



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

FEB 27 2017

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 950285)
 - 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>March 7, 2017</u>
Time <u>11:30 a.m.</u>
Location of Hearing: Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 930 Mound Street City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Lisa Lemke Email LMLemke@gmail.com

Phone Numbers: Business _____ Residence _____ Cell 651-442-5509

Signature: Lisa M. Lemke Date: 02/26/2017

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 please see attachments
- Summary/Vehicle Abatement _____
- Fire C of O Deficiency List/Correction _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other (Fence Variance, Code Compliance, etc.) _____

To the Considering City Council Member:

My introduction to St. Paul's Greater East Side, and Dayton's Bluff/Indian Mounds Park more specifically, happened 15 years ago, as I rode the Early Childhood Special Education (ECSE) bus through the neighborhoods as a special education teacher's assistant for St. Paul Public Schools. I admired the neighborhood, I loved the houses, and all the people were so welcoming. I decided when I was done acquiring my ECSE teaching license, I wanted to live in the Indian Mounds Park neighborhood.

When I finished with school, and received a full time, year round position as a home visiting special education teacher in St. Paul, and was able to afford my own place, I found a modest studio apartment to rent in the neighborhood. It was wonderful to be able to live in the neighborhood I long admired for an affordable price, and still be able to save for my own one day.

I was welcomed the first night I moved in by the neighbors during their annual neighborhood progressive dinner evening. I quickly was welcomed into the neighborhood, getting to know my neighbors and their dogs out on walks, and being invited to gather for other neighborhood events. Little did I know I would have the chance to host my neighbors for the annual progressive dinner in my own home years later!

I happily rented in the neighborhood for five years, and while I rented, I entertained the idea of purchasing a home in the neighborhood. When I started looking, there were numerous abandoned foreclosures listed for sale when the economy fell. I looked at several which had been completely desecrated; many were just too expensive, and had been damaged too much, and would have been too big and expensive of projects for me to take on as a single, full time working special education teacher.

When I noticed 930 Mound Street go in and out of foreclosure several times online, I asked our neighborhood mail person what the unfortunate story was- and she said there was a notice on the door and the 20-30 people that had been in and out of the property no longer lived there.

I looked at some of the pictures online, walked past the property to look at the outside, and thought this may be perfect as there was the apartment above the garage I could rent out which, in addition to my teacher's salary could help me afford to purchase a home in my neighborhood!

I spoke with my parents, and decided to bid on the online auction which 930 Mound had been posted. As a first time home owner, it was a scary experience; however, I figured if it was meant to be, it was meant to be.

It was meant to be! When I was finally able to see the inside of the home, I was relieved to see that the signs from the outside seemed accurate. It was dirty and much was missing (all the interior doors had been taken, most of the light fixtures, and even the outlet covers over the outlets had been taken). However, it hadn't been completely damaged, and the rental unit above the garage needed cleaning and paint, and it seemed to me to be ready to rent as part of my home.

It did not occur to me that the space above the garage was not built to be a living space. I had to redo the indoor doors, closet shelves and indoor lighting which the previous tenants took with them. I also had to clean up the yard of the property, as the previous tenants had left several truckloads of garbage in the yard.

I cleaned up the property, and was excited to have a rental property to allow me to continue to slowly do projects that needed doing and had been neglected by the previous tenants. As a new land owner of a foreclosed property, I also learned I had to take care of some of the previous tenants outstanding bills.

It wasn't until December of 2016 that I received several letters from James Hoffman, the City Inspector. I responded via voicemail promptly after receiving the letter to ask for more information, and to state I would be happy to work with him but I can't take off time from work with only two work days of notice. I was not given more information until I called back after another letter, and he said that it has come to his attention that the unit above my garage was being used for occupancy and it was not zoned this way.

I was beside myself, I returned his call and said I would set up a time to meet with him if we could set up an appointment so I could get time away from work, because I was very concerned as well. I was honest with James and said I had a tenant in the unit, as it was clearly an apartment from all appear-

ances, and I was confused because I would've thought they already would've inspected it when it was built.

I did not receive a response after this, and instead I, and my father, as another emergency contact for my tenants, received panicked phone calls from my current tenant, saying two men were pushing their way into her apartment and taking pictures. She was very scared, and I had not been able to give her any warning, as I also was not afforded a return phone call. I would've thought the inspectors would have wanted to schedule with me as I stated in my voicemail that I was happy to do with them. In talking with my current tenant, this entire experience was quite traumatic for her. Our neighbors home down the street had been ransacked and burglarized several months prior, and the person who did it also tried to smash his way into the home above the garage. Thankfully, my tenant was home, she said the locks I put on the door were solid and he couldn't get in, and she called the police. Having two men barge into her home without warning was scary for her, and I felt awful not being able to give her any warning or meet with the inspectors myself, in person.

After the inspection, the fire inspector, George Niemeyer, did kindly spend time with me on the phone explaining that the property had not been zoned for occupancy, even though he said it was clear that the previous owners had built it to be used as such. He has been gracious with answering my questions and guiding me through this process of changing the use to make it a unit zoned for occupancy.

The garage is not a run down shack, it is appealing to the eye, and matches the home. People often think the garage unit is another home when they come to visit me. It is a modern day carriage house. As 930 Mound Street is my home, I have worked to get and keep renters who want a sense of the neighborhood community, as I did when I first rented in the neighborhood. I am in contact with my closest neighbors on a regular basis to make certain my tenants are being respectful. One comment made to me in the past was that there was far less activity, as the previous owners had about 20-30 people coming and going all the time. My own ability to rent in the neighborhood years ago, is another reason I would like to be able to give back and allow others to reside in this great neighborhood who maybe are not able to purchase or purchase yet.

My current tenant has embraced the neighborhood, I am heartbroken her home has been condemned, and I am working with her to help her transition elsewhere. She has contributed to this neighborhood. She loves it here, and actually has been part of cutting down on criminal incidences here as well.

It never occurred to me that the garage unit was anything other than an apartment. It has a kitchenette, large bathroom, walk in closet and a generous studio living space. The utility room has a sink, washer/dryer, and the garage has it's own water heater and furnace. The yard has a lovely landscape in place, and I keep the area well lit at night, and the sidewalks clear for my neighbors to enjoy their walks. I think if you were able to ask, my neighbors will tell you that I am enthusiastic about my community, I go out of my way to help keep it clean, safe and welcoming.

I would like to use the building as a livable, residence, as it appears it was intended. I am also committed to having it be safe. Please consider my request and grant me a change of use, and I will move forward immediately to make this a safe home. I am ready and willing to move forward with a contractor in order to do everything which needs to be done to make it a safe and properly zoned, livable home.

Please see the attached pictures. If there are any further questions I can answer, I am happy to do so.

Thank you for your time and consideration.

Kind Regards,



Lisa M. Lemke



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

February 22, 2017

Lisa M Lemke
930 Mound St
Saint Paul MN 55106

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 930 MOUND ST
Ref. #

Dear Property Representative:

An inspection was made of your building on February 22, 2017 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 March 15, 2017 at 10:30 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. Garage - Apartment - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office.-This occupancy has been condemned for reasons including but not limited to: no occupancy separation, no Certificate of Occupancy, incorrect plumbing done with no permit, incorrect mechanical equipment done with no permit, and electrical done with no permit.
2. Garage - No Certificate of Occupancy - SPLC 40.01(a) - All existing buildings in the city are required to have and maintain a fire certificate of occupancy, issued by the department of safety and inspections. The fire certificate of occupancy shall be an indication that the building meets, at the time of inspection, all relevant codes to maintain the health, safety and welfare of the building's occupants and the general public. (b) Provisional fire certificate of occupancy. When an owner-occupied dwelling changes to a rental dwelling unit, the owner of the dwelling must submit a completed application for a provisional certificate of occupancy, a completed owner's self evaluation affidavit and pay the fee for a provisional certificate of occupancy within thirty (30) days of the change in use. -The garage does not have a certificate of occupancy.
3. Garage - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-8989.-There were wires with wire nuts on them hanging out of the garage ceiling insulation.

4. Garage apartment - Change of use - MSBC 1300.022 Subp. 3 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or contact the Building Official at 651-266-8989 with your code analysis and to comply with requirements for approved occupancy.-The space above the garage was approved for storage, and is now being used as an apartment.

5. Permits - MSBC -Section 105.1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Work being done requires a permit.

-There were no permits for the installation of the plumbing, mechanical, or electrical systems in the garage/apartment. Have licensed contractors pull permits and have the work inspected and approved.

6. Separation - Garage/apartment - MSFC 1106.2 - Provide a required occupancy separation with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-8989. The minimum rating must be: 1 hour.-Due to the lack of occupancy separation there is to be no parking in the garage while the apartment is occupied.

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>

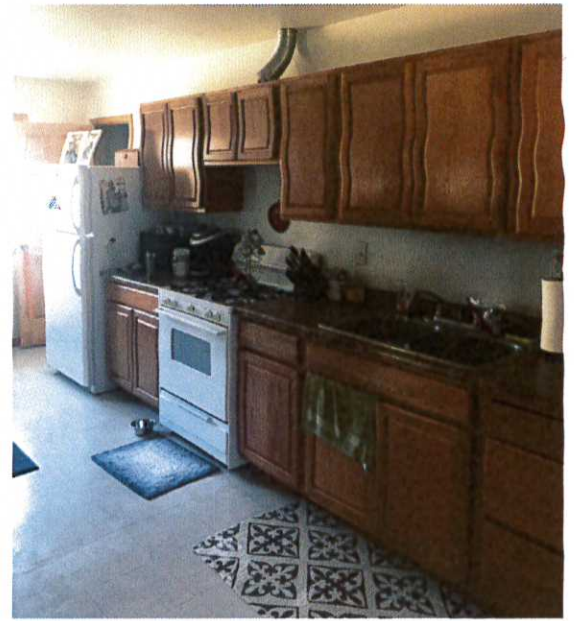
You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at: george.niemeyer@ci.stpaul.mn.us or call me at 651-266-8991 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

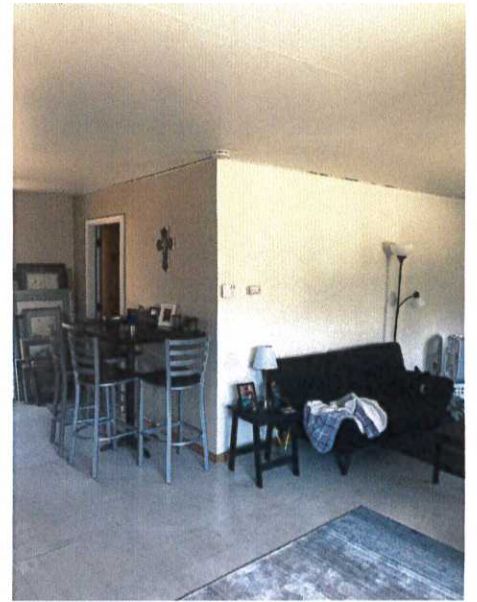
Sincerely,

George Niemeyer
Fire Inspector

Ref. #



651.442.5509



Photos by appellant