

RLH FCO 19-16



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings
RECEIVED

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

JAN 23 2019

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number #39012)
 - 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, JAN. 29, 2019
Time 1:30
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 602 LAWSON AVE W City: St. Paul State: MN Zip: 55117

Appellant/Applicant: David W. Wetherill ^{ALAN ROERS} Email: petdoc777@aol.com

Phone Numbers: Business 651-487-3255 Residence 612-910-0910 Cell 612-910-0910

Signature: David W Wetherill / ALAN ROERS Date: 1/22/2019
Attorney-in-Fact for David W. Wetherill

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/
- Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments:
please see the Attached!

ACCOUNTANTS & CONSULTANTS INC.

**AN AFFILIATION OF CERTIFIED PUBLIC ACCOUNTANTS
AND MANAGEMENT CONSULTANTS**

Alan J. Roers, CPA

President

P.O. Box 189
Maple Plain, MN 55359

612-816-4378
alroers@cs.com



ALAN IS REPRESENTING
DAVID WETHERILL
602 LAWSON AVE. W.

ATTACHMENT TO APPEAL
FIRE INSPECTION CORRECTION NOTICE

Note: I will be glad to provide pictures of these areas of concern but I am currently unable to provide them due to the short window to file this appeal. The notice was mailed on 1/14/2019 and received on 1/17/2019. The date of the Notice was 1/11/2019. I would further like to request a hearing after the Re-evaluation scheduled for 2/8/2019. Thank you for approving and allowing me to file this appeal today 1/23/2019.

The following comments will follow the numbering sequence of the reported items within the Fire Inspection correction Notice:

1) The cracks on the front outside steps are on the sides of the stairs and not on the treads and risers but on the side curb of those steps. These will be fixed this spring. The stairs are also within the front fenced and gated yard. These are not dangerous and I am puzzled as to why these are discussed in a Fire Inspection Review.

2a) There is a broken slat in the wood retaining wall with a nail exposed. This will be taken care of also by the time of the re-evaluation.

2b) there is chipping and peeling paint on the garage service door. It is winter but we will paint the side door which faces the enclosed yard. This property is well maintained and is neat and orderly. Again why are these issues in a Fire Inspection Notice? These are minor maintenance issues in a well maintained property.

3) There are two missing covers on electrical boxes. These have been addressed immediately.

4(1a) Kennel in basement is used for owner's dogs and occasionally the tenant's dog. These are not used for the Vet Clinic's clients. Never! Personal use only.

(1b) Basement is used primarily for storage of documents.

(1c) Unit 1 is used for storage of office furniture and older computer equipment. The clinic does use Unit 1 as an occasional conference room. It had been used as a break room in past years. Only recently has it been used as a conference room with a conference table placed in the living room.

(2) Over 20 years ago, when David Wetherill purchased this property across the alley from the existing vet clinic neighbors had complained about the number of employee cars that were parked on the street on Lawson. Dr. Wetherill then paved an area for his employee to park. He simply enlarged the driveway and created a small area behind the house and beside the garage. This has never been used for any Vet customer parking, only employees and tenants. This was done to apprise the neighbors and reduce parking on the (Lawson) street. Again, this has been there for some twenty years. Prior occupancy inspections have allowed this practice.

5) A leak in the water pipe above the water heater must have been repaired by a previous tenant and done so incorrectly without a permit. This will be corrected immediately, permit pulled and corrected by a licensed plumber.

6) The smoke detector affidavit has been completed and signed and will be handed to the Fire Inspector at re-evaluation.

7) The note as to Permits has been acknowledged and a permit has been requested of the plumber as noted in #5 above.

The primary reason for this Appeal is Correction Item #4 above. For over 20 years this property has been used as a rental unit (Unit 2) and as storage (Unit 1 and basement). It is personally owned by Dr. David Wetherill who also owns the Veterinary Clinic next door. It has Never been used in that operation or boarding of Vet Clinic clients' animals. It has also, Never been used for Vet Clinic client parking either.

I dispute the Correction Report item #4 as this is a "rental unit with owner's storage". An occasional conference has been held in the living room but a preponderance of the time it is vacant. I do not believe this property should require a change in Zoning. Nothing has changed since prior inspections. Why are these issues being brought up today? Just because the owner stores his property on site does not make it a Commercial Property. It appears perhaps the Fire Inspector misunderstood the use of this property.

Dr. David Wetherill and his Como Park Animal Hospital have lived and operated in this area since 1982 and has contributed greatly to this City and to this Neighborhood.



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-263-8989
Facsimile: 651-661-8951
Web: www.stpaul.gov/dsi

January 11, 2019

Mailed 1/14/2019
Rec'd 1/17/2019

Must be Appealed
by Tuesday
1/22/2019
Called Katsie on 1/22/19
Completed to drop off by 1/23/19 at 11:20 AM
She will email form at Me today.

DAVID W WETHERILL
836 W COUNTY RD B
ROSEVILLE MN 55113-4532

FIRE INSPECTION CORRECTION NOTICE

RE: 602 LAWSON AVE W
Ref. #107171
Residential Class: B

Dear Property Representative:

Your building was inspected on January 9, 2019 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date.

A re-inspection will be made on February 8, 2019 at 11:20 AM.

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

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Exterior - Front of House - SPLC 34.08 (10) - Repair, replace and maintain exterior sidewalks, walkways and stairs. **-There are large cracks and damages to the front stairs.**

2. Exterior - Garage & Retaining Wall - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements. **There is a section of the wooden retaining wall that is broken at the bottom and the large nail is sticking out.**
There is chipping and peeling paint on the garage service door.
3. Exterior - Garage & Unit 1 - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
Exterior - There is an electrical conduit on the side of the garage that is missing the cover.
Interior - Near the front door, the light switch is missing the cover.
4. **Exterior & Interior - SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue:**
Interior - Using Unit 1 as an office and discontinue using the basement to house animals in the kennels. All office equipment, furniture and the kennels in the basement must be removed
Exterior - Discontinue parking cars for commercial use on this property.
5. Interior - Basement - SPLC 34.11 (5), 34.35 (2) - Contact a licensed contractor to repair or replace the water heater. This work may require a permit(s). Call DSI at (651) 266-8989. **The incorrect type of water lines is being used on the water heater. This water heater was installed with no permit on file.**
6. SPLC 39.02(c) - **Complete and sign the smoke detector affidavit and return it to this office.**
7. 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.
Permits are required for the installation of the new furnaces, installation of the windows, installation of the new electrical panels and for the work to be performed on the water heater.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

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

If you have any questions, email me at: Efrayn.Franquiz@ci.stpaul.mn.us or call me at 651-266-8955 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,

Efrayn Franquiz
Fire Inspector

Reference Number 107171

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS



EN11364B32 C021



NEOPOST
01/14/2018
FIRST CLASS MAIL
US POSTAGE \$000.479



ZIP CODE
041M11278005

**STATUTORY SHORT FORM
POWER OF ATTORNEY**

MINNESOTA STATUTES SECTION 523.23

Before completing and signing this form, the principal must read and initial the IMPORTANT NOTICE TO PRINCIPAL that appears after the signature lines in this form. Before acting on behalf of the principal, the attorney(s)-in-fact must sign this form acknowledging having read and understood the IMPORTANT NOTICE TO ATTORNEY(S)-IN-FACT that appears after the notice to the principal.

PRINCIPAL

(Name and Address of
Person Granting the Power)

David W. Wetherill

836 County Rd. B. W.

Roseville, MN 55113

ATTORNEY(S)-IN-FACT
(Name and Address)

Alan Roers

725 Game Farm Rd.

Maple Plain, MN 55359

SUCCESSOR ATTORNEY(S)-IN-FACT

To act if any named attorney-in-fact dies, resigns, or is otherwise unable to serve.
(Name and Address)

First Successor

Patrick Jennrich

206 Egret Lane

Lino Lakes, MN 55014

Notice: If more than one attorney-in-fact is designated to act at the same time, make a check or "x" on the line in front of one of the following statements:

Each attorney-in-fact may independently exercise the powers granted.

All attorneys-in-fact must jointly exercise the powers granted.

EXPIRATION DATE (Optional)

(Use Specific Month, Day, Year Only)

I, David Wetherill, (the above named Principal), hereby appoint the above named Attorney(s)-in-Fact to act as my Attorney(s) in-Fact:

FIRST: To act for me in any way that I could act with respect to the following matters, as each of them is defined in Minnesota Statutes section 523.24:

(To grant to the attorney-in-fact any of the following powers, make a check or "x" on the line in front of each power being granted. You may, but need not, cross out each power not granted. Failure to make a check or "x" on the line in front of the power will have the effect of deleting the power unless the line in front of the power of (N) is checked or x-ed.)

(A) real property transactions; I choose to limit this power to real property in _____ County Minnesota, described as follows:

(Use legal description. Do not use street address.)

- (B) tangible personal property transactions;
- (C) bond, share, and commodity transactions;
- (D) banking transactions;
- (E) business operating transactions;
- (F) insurance transactions;
- (G) beneficiary transactions;
- (H) gift transactions;
- (I) fiduciary transactions;
- (J) claims and litigation;
- (K) family maintenance;
- (L) benefits from military service;
- (M) records, reports, and statements;
- (N) all of the powers listed in (A) through (M) above and all other matters, other than health care decisions under a health care directive that complies with Minnesota Statutes, chapter 145C.

SECOND: (You must indicate below whether or not this power of attorney will be effective if you become incapacitated or incompetent. Make a check or "x" on the line in front of the statement that expresses your intent.)

This power of attorney shall continue to be effective if I become incapacitated or incompetent.

This power of attorney shall not be effective if I become incapacitated or incompetent.

THIRD: My attorney(s)-in-fact MAY NOT make gifts to the attorney(s)-in-fact, or anyone the attorney(s)-in-fact are legally obligated to support, UNLESS I have made a check or an "x" on the line in front of the second statement below and I have written in the name(s) of the attorney(s)-in-fact. The second option allows you to limit the gifting power to only the attorney(s)-in-fact you name in the statement.

Minnesota Statutes section 523.24, subdivision 8, clause (2), limits the annual gift(s) made to my attorney(s)-in-fact, or to anyone the attorney(s)-in-fact are legally obligated to support, to an amount, in the aggregate, that does not exceed the federal annual gift tax exclusion amount in the year of the gift.

I do not authorize any of my attorney(s)-in-fact to make gifts to themselves or to anyone the attorney(s)-in-fact have a legal obligation to support.

I authorize (write in name(s)) _____, as my attorney(s)-in-fact, to make gifts to themselves or to anyone the attorney(s)-in-fact have a legal obligation to support.

FOURTH: (You may indicate below whether or not the attorney-in-fact is required to make an accounting. Make a check or "x" on the line in front of the statement that expresses your intent.)

My attorney-in-fact need not render an accounting unless I request it or the accounting is otherwise required by Minnesota Statutes, section 523.21.

My attorney-in-fact must render Annual accountings to me during my lifetime, and a final accounting to the personal representative of my estate, if any is appointed after my death.

In Witness Whereof I have hereunto signed my name this 14th day of December, 2018.



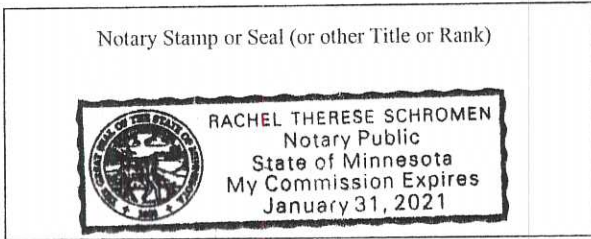
(Signature of Principal)

(Acknowledgement of Principal)

STATE OF MINNESOTA
COUNTY OF RAMSEY

} ss.

The foregoing instrument was acknowledged before me this 14th day of Dec., 2018, by David W. Wetherill.



Rachel T. Schromen
Signature of Notary Public or Other Official

Acknowledgement of notice to attorney(s)-in-fact and specimen signature of attorney(s)-in-fact.

By signing below, I acknowledge I have read and understand the IMPORTANT NOTICE TO ATTORNEY(S)-IN-FACT required by Minnesota Statutes section 523.23, and understand and accept the scope of any limitations to the powers and duties delegated to me by this instrument.

(Notarization not required)
David W. Wetherill

This instrument drafted by:

Schromen Law, LLC
Rachel T. Schromen, Atty No. 0395645
600 Marshall Avenue
St. Paul, MN 55102

Specimen signature of Attorney(s)-in-Fact (Notarization not required)
