



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

APR 15 2016

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 Check # 1311)
- 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, April 26, 2016

Time 11:00 AM

Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1064 Pacific St. City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Quinten & Robyn Kog & Kidd Email QuintenKidd@gmail.com

Phone Numbers: Business _____ Residence _____ Cell 612-965-1474

Signature: [Handwritten Signature] Date: 4/14/2016

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 see Attached
- Vacant Building Registration _____
- Other (Fence Variance, Code Compliance, etc.) _____



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsj

- Yog hais tias koj hais tsis to taub tsab ntawm no, hu rau tus txhais lus ntawm (651) 266-8989. Nws yog pab dawb zwb.
- Si necessita un traductor, por favor llamanos al (651)266-8989. No costo.

330

April 05, 2016

Quintin L Koger Kidd/Robyn Kidd
1064 Pacific St
Saint Paul MN 55106-6420

CORRECTION NOTICE

RE: 1064 PACIFIC ST
File #: 16-023854

Dear Sir or Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on **April 05, 2016** and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code¹ (see footnote 1, below).

1. The exterior walls of the garage are defective. Repair all holes, breaks, loose or rotting siding, to a professional state of maintenance. **SEAL AND REPAIR THE CRACKS AROUND THE GARAGE.**
2. The roof is deteriorated, defective, or in a state of disrepair. Repair or replace the roof covering to a sound, tight and water impervious condition. Permit may be required. **REPLACE THE DETERIORATED ROOF ON THE GARAGE UNDER PERMIT.**
3. **REPAIR FALLEN GRADING AND DRAINAGE ALONG THE WEST SIDE OF THE PROPERTY. REMOVE AND REPLACE DAMAGED/DETERIORATED RETAINING WALL.**
4. **REPAIR, REPLACE OR REMOVE DAMAGED FENCING ALONG THE WEST SIDE OF THE BACK YARD.**
5. **REMOVE THE CAMPER FROM THE BACK YARD AND THE CORD FOUND ATTACHED TO THE EAST SIDE OF THE CAMPER RUNNING TO THE HOUSE.**

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. The Enforcement Officer will re-inspect these premises on **May 31, 2016**, by which date the violations noted must be corrected. **Failure to correct these deficiencies may result in the issuance of criminal charges²** and/or a civil lawsuit, and possible abatement/assessment by the City. All repairs and new installations must be made in accordance with the appropriate codes. Permits may be obtained by calling 651-266-8989.

You may file an appeal to this notice by contacting the City Clerk at 651-266-8585. Any appeal must be made in writing within 10 days of this notice. (You must submit a copy of this Notice when you appeal, and pay a filing fee.)

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1064 PACIFIC ST
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If you have any questions or request additional information, please contact me. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to me at 651-266-1924.

Sincerely,

Sean Westenhofer
Badge # 330

CODE ENFORCEMENT OFFICER

Footnotes:

- ¹ To see the Legislative Code go to www.stpaul.gov on the internet, click on "Departments", then click on "Department of Safety and Inspections", scroll down the page for the "Codes". Most Correction Notices derive from Chapter 34.
- ² Criminal charges can be brought on the day the violation is observed, but generally we allow time to correct unless this is a repeat violation.

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WARNING Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

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April 14, 2016

Re: **1064 Pacific St**

File #: **16-023854**

Dear Sir or Madam:

Regarding the correction notification dated April 5, 2016 and received April 7, 2016, we are hereby appealing or requesting clarification or extension of time as detailed below:

We originally purchased this property in March 2011. At that time, it was a category 1 vacant property and since that time we have been diligently working to address deficiencies and other deferred maintenance, such as repairing the front steps which were a significant safety issue. Although we are outside the Dayton's Bluff historic district, we have strived to maintain the character of this 100+ year old historic property which at one time was owned by members of the Burger family. This is evidenced by our inclusion on this year's Minneapolis St Paul Home Tour.

The detached carriage-house-style garage cited in items 1 and 2 is functionally obsolete and is currently used for the storage of outdoor furniture, gardening supplies and yard equipment and tools. We have been researching remediation methods to determine the best method to address deficiencies in order to best conserve, and potentially re-purpose this historic structure.

1. SEAL AND REPAIR THE CRACKS AROUND THE GARAGE.

The cracks that exist in this masonry building are long-standing. We have photographs from the late-50's to the late 60's / early '70's in which they are evident. (photos attached) At the time we purchased the house in March 2011, the enforcement officer overseeing this vacant property requested that we secure the building. Beyond that, no additional work was identified

In our research of methods to repair the cracks and prevent further expansion, we determined that the best remediation method as follows:

- a. Grind out the masonry joint to a minimum of 6 inches either side of the crack and a minimum depth of one inch.
- b. Using an anchoring adhesive such as Quikrete High Strength Anchoring Epoxy, secure ¼ inch threaded rod in the grounded out gap ensuring full coverage of the rod with the epoxy with no contact gaps with the masonry block.
- c. Re-tuck point the joint

For cracks extending the full height of the masonry wall, a minimum of three joints will be done; one, one row from the top, one in the middle and one, two rows from the bottom. For cracks less than ¾'s of

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the masonry wall height, a minimum of two joints will be done; one, one row down from the upper-most top of the crack and one, one row above the lower-most top of the crack.

Once these repairs are complete, we will monitor the building to see if additional remediation might be required.

The anchoring epoxy works best in temperatures above 70 degrees F which will generally not be consistently reached until June. This will also be a very labor intensive repair. Accordingly, we request an extension of time until September 30, 2016 to complete these repairs.

2. REPLACE THE DETERIORATED ROOF ON THE GARAGE UNDER PERMIT.

If the Enforcement Officer concurs with the remediation method for item one, we will proceed with the solicitation of quotes to replace the deteriorated roof. In order to allow flexibility to schedule this repair by a contractor, we request extension of time to complete this item until July 31, 2016.

Also, the guidelines provided on the StPaul.Gov website (<https://www.stpaul.gov/departments/building-information-applications>) appear to be geared to residential structures rather than accessory building without conditioned space such as this.

(https://www.stpaul.gov/DocumentCenter/Government/Safety%20&%20Inspections/Construction%20Inspections/Building/Re-roof%20Policy%202015_201502051238167277.pdf) The 2015 Minnesota Residential Code (http://codes.iccsafe.org/app/book/content/2015_Minnesota/Residential/Chapter%209.html) does provide exceptions for accessory buildings, such as not requiring an ice barrier. However, I could not find anything which addresses air spaces for accessory buildings. The eaves of the garage do not extend far enough to allow soffit vents. We would appreciate further guidance on this issue before soliciting quotes.

If the city is not in concurrence with this repair approach, we will have to explore other alternatives which most likely would require the demolition of this historical structure and construction of a new garage. We would really prefer to preserve this structure because of the character it brings to our property and the neighborhood; it is the only garage of its style on our alleyway.

3. REPAIR FALLEN GRADING AND DRAINAGE ALONG THE WEST SIDE OF THE PROPERTY. REMOVE AND REPLACE DAMAGED DETERIORATED RETAINING WALL.

Grading and drainage along the west side of the property currently drain water away from the occupied structure and minimize the accumulation of water as required by Chapter 34, Section 34.08. Any washing of material was previously backfilled to the extent possible and as limited by the condition of the retaining wall.

As the property owners of 1064 Pacific St. which is uphill of the retaining wall, we are not responsible to remove and replace the damaged deteriorated retaining wall.

Settled Minnesota Case Law, going back to the late 19th century, states that retaining wall maintenance, with exceedingly rare exceptions, are the responsibility of the downhill property owner. This applies even if the downhill property is owned by a governmental agency or is part of a public right of way and regardless of whose property the wall is on or who performed the repairs in the past. As the property immediately to the west of 1064 Pacific St was graded, they owe an absolute duty of lateral support to our property. (FRED G. BREWITZ v. CITY OF ST. PAUL.)

This case references other cases and includes the following comments:

“Under the law of this state a property owner has the right to have his land supported by the land of his neighbors and if the removal of such support results in damage to the property the owner is entitled to compensation.

“It is settled law that every person has the right to the lateral support of the land adjoining his and is entitled to damages for its removal. This rule is based on the proposition that in a state of nature all land is held together and supported by adjacent lands through operation of forces of nature. Sime v. Jensen, 213 Minn. 476, 7 N.W. (2d) 325

“The right of lateral support from the adjacent soil is an absolute right of property; and, as a consequence of this principle, it follows that for any injury to his soil, resulting from the removal of the natural support to which it is entitled, by means of excavation on an adjoining tract, the owner has a legal remedy against the party by whom the mischief has been done. Schultz v. Bower, 57 Minn. 493, 496, 59 N.W. 631.”

The owner of the property immediately to the west of 1064 Pacific St. which is 1062 Pacific St should be contacted to perform the necessary grading, drainage and retaining wall remediation to ensure the continued lateral support of our property. We further request that they be required to perform the repairs with a durable material which preserves the character of our property and the neighborhood as well as preserves the trees along the property line which provide highly desirable shade and privacy to our property as well as erosion control. We would also not necessarily be opposed to having the natural slope restored.

We also have noted that the retaining wall at the other end of our alley (southwest corner, abutting Frank St. between Pacific St and McLean Ave.) is in an extreme state of disrepair and has a large debris pile which adversely impacts drainage from the property. As can be seen by the survey stake in the attached photo, the wall is located within the city right of wall and the alley way is on the downhill side of the wall. The City of St Paul needs to repair this wall and require the property owner to remove the debris pile and properly re-grade the property.

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4. REPAIR, REPLACE OR REMOVE DAMAGED FENCING ALONG THE WEST SIDE OF THE BACK YARD.

While it is not readily determinable on whose property the deteriorated portion of the fencing is located, we believe it is highly desirable to maintain the fencing in good repair.

Accordingly, we will remove the remainder of the wicker fencing which is damaged and replace it with chain link fencing by May 31, 2016 provided the property owner to the west approves our access. The repair will most likely be of a temporary nature until such time as the adjacent property owner to the west has completed the repair of the grading, drainage and retaining wall.

5. REMOVE THE CAMPER FROM THE BACK YARD AND THE CORD FOUND ATTACHED TO THE EAST SIDE OF THE CAMPER RUNNING TO THE HOUSE.

Please clarify the requirements.

We have been unable to find any specific guidance for the parking of this camper, which is less than 15 foot long, on our property beyond that found at Chapter 34, Section 34.08, paragraph 7. It appears, according to this section, we would be allowed to park the camper on a "durable and dustless surfacing" provided that parking space is not "located within the front yard or a non-interior side yard.

Eventually, depending on the availability of financial resources, we would like to construct a new garage on the property and would like to preserve siting options to the extent possible. Accordingly, we would like to construct a parking pad of compacted base material for this camper. We would prefer that the pad be located close to the house on the back half of the property, which is approximately ¼ acre, in order to minimize the risk of theft or vandalism.

We also cannot find any prohibition on connecting the cord, which is used to maintain the battery, to the only exterior GFCI outlet located on the house in the side or back yard.

Please note, we appreciate the corrective notice and the opportunity to address the issues brought forward. We fully intend to comply with all the City of St Paul code requirements for these items and merely wish to have time to address them, are seeking clarification, or have them directed to the responsible party.

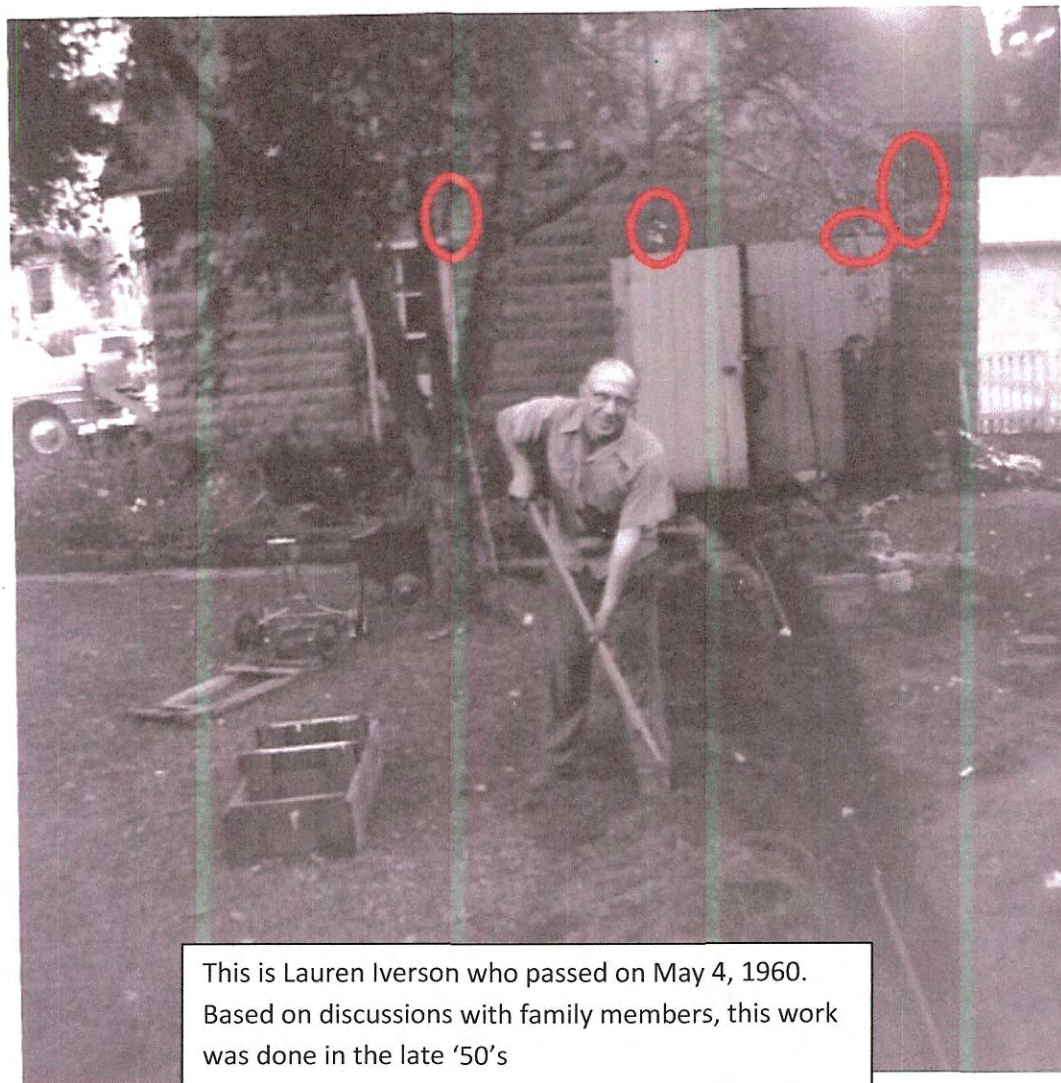
Please note. We attempted to contact the enforcement officer via email on Tuesday, April 12, 2016 and then again via telephone during stated office hours on Wednesday, April 13, 2016, leaving a message to return our call. As of the afternoon of April 14, 2016, we had not received a response.

Regards,


Quintin Koger Kidd

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This is Lauren Iverson who passed on May 4, 1960.
Based on discussions with family members, this work
was done in the late '50's

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Gathering of the Iverson / Burger family. Based on styles late '60's or early '70's

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Deteriorated retaining wall. Southwest corner of ally abutting Frank St, between Pacific St. and McLean Ave.

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Portion of debris pile. Southwest corner of ally abutting Frank St, between Pacific St. and McLean Ave.

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Survey marker. Southwest corner of ally abutting Frank St, between Pacific St. and McLean Ave.

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