



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED  
FEB 27 2017  
CITY CLERK

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

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

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>March 7</u>
Time <u>11:00 a.m.</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

### Address Being Appealed:

Number & Street: 2157 Lincoln Avenue City: St Paul State: MN Zip: 55105

Appellant/Applicant: Valerie Hoiness Email vkhoiness@yahoo.com

Phone Numbers: Business \_\_\_\_\_ Residence 651-499-5699 Cell 651-387-7979

Signature: Valerie K. Hoiness Date: 2/25/17

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

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

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

Please see attachment appealing the Summary Abatement order



335

CITY OF SAINT PAUL  
 DEPARTMENT OF SAFETY AND INSPECTIONS  
 DIVISION OF CODE ENFORCEMENT  
 375 Jackson Street, Suite 220  
 Saint Paul, MN 55101-1806  
**SUMMARY ABATEMENT ORDER**

February 17, 2017

16 - 086741

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

BRADLEY D CRIPE  
2157 LINCOLN AVE  
SAINT PAUL MN 55105-1046

**As owner or person(s) responsible for : 2157 LINCOLN AVE you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.**

1. Please remove improperly stored or accumulated refuse including: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from the property, alley area and yard areas: INCLUDING REMOVAL OF THE CARGO CONTAINER THAT HAS BEEN PARKED IN THE YARD. THE CONTAINER AND ALL CONTENTS WILL BE CONSIDERED SCAP AND DISPOSED OF AT YOUR COST. Thank you. Comply before February 27, 2017

If you do not correct the nuisance or file an appeal before February 27, 2017, the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipments, etc. The rate will be approximately \$260 per hour plus expensed for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times**  
**FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: Lisa Martin Badge: 335 Phone Number: 651- 266- 1940

**If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.**

Also Sent To:

H Andrew Andersen 2157 Lincoln Ave St Paul MN 55105-1046

Occupant

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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 said 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.

sa.rpt 9/15

2/27/2017

To the St. Paul City Council:

We are appealing a Summary Abatement Order received on February 17, 2017 from the City of St. Paul Department of Safety and Inspections – Division of Code Enforcement.

We have been ordered to eliminate all nuisance conditions in violation of Chapter 45 of Saint Paul Legislative Code.

Specifically, we have been told to remove “improperly stored or accumulated refuse including garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from the property, alley area and yard areas: INCLUDING REMOVAL OF THE CARGO CONTAINER THAT HAS BEEN PARKED IN THE YARD” (emphasis in original).

As we have no “improperly stored or accumulated refuse including garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc.,” on the property, we only can conclude that this is a reference exclusively to the leased storage container that is entirely on the property at 2157 Lincoln Avenue, St. Paul, MN 55105.

The basis for our appeal is that our actions and circumstances are not in violation of Chapter 45 of St. Paul Legislative Code. Chapter 45 deals with Nuisance Abatement and is intended to define nuisance conditions and protect the public health, safety and welfare from those nuisance conditions

The container on our property does not fit any definition of Nuisance as set out in Chapter 45.02.

First, Chapter 45 does not mention “containers” in any context except to forbid the accumulation of stagnant water.

The container does not contain or allow for the accumulation of stagnant water.

It poses no risk or threat of entry as it is secured and locked at all times.

It carries no graffiti.

It is not a rodent harborage.

It does not contain waste material, refuse or noxious substances.

It does not create a dangerous or unhealthy condition.

It does not threaten the public peace, health, safety or sanitary condition of the city.

It neither is offensive nor has a blighting influence on the community.

In fact, the Department of Safety and Inspections has not articulated any basis as to why it constitutes a violation of Chapter 45.

The container actually is made of the same materials that are used to make garden sheds and closes and locks even more securely than an average garden shed.

Nonetheless, this container is on our property as a temporary rented item. We had hoped to replace it in Fall 2016 with the purchase and installation of a garden shed that we ordered on 10/14/2016, but the incorrect item was delivered, returned on 10/29/2016 and after several delay notifications as to the replacement item we ordered, we were notified in November 2016 that the replacement item was not only: 1.) not in stock, but also, 2.) unobtainable by the seller (Sears). Given the advent of the winter season, we had hoped to delay a new shed's purchase and installation until the spring of 2017.

The above paragraph is intended to make the City Council aware of both our intent to remove the container and our good faith efforts to do so prior to receiving this Summary Abatement Order. As we were stymied in our attempts and more importantly, as the Department of Safety and Inspections cannot point to how we are violating the ordinance it has cited, we ask in this appeal that all fines and assessments accruing to our property due to the presence of the container be removed and that we be granted an extension of time until June 30 2017 to complete our goal of purchasing and installing a traditional storage shed.

We look forward to a hearing on this matter.

Valerie K. Hoiness  
Bradley D. Cripe  
2157 Lincoln Ave.  
St. Paul, MN 55105



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/dsi](http://www.stpaul.gov/dsi)

- Yog hais tias koj hais tsis to taub tsab ntawv 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.

326

October 11, 2016

Bradley D Cripe/Valerie K Hoiness  
2157 Lincoln Ave  
Saint Paul MN 55105-1046

H Andrew Andersen  
2157 Lincoln Ave  
St Paul MN 55105-1046

## CORRECTION NOTICE

RE: 2157 LINCOLN AVE  
File #: 16-086741

Dear Sir or Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code<sup>1</sup> (see footnote 1, below).

### 1. REMOVE STORAGE CONTAINER ILLEGALLY RESIDING ON THE PROPERTY.

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. The Enforcement Officer will re-inspect these premises on or after **October 25, 2016**, by which date the violations noted must be corrected. **Failure to correct these deficiencies may result in the issuance of criminal charges<sup>2</sup>** 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.)

**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 651-266-1909.**

Sincerely,

Daniel Hesse  
Badge # 326

CODE ENFORCEMENT OFFICER

Footnotes:

- <sup>1</sup> To see the Legislative Code go to [www.stpaul.gov](http://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.
- <sup>2</sup> 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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2. **VEHICLE(S):** Vehicle/Vehicles/Boats/Trailers parked on an unapproved parking surface. Remove, and file a site plan with Zoning for parking spaces in the yard. **REMOVE TRAILER FROM THE YARD.** Comply before October 20, 2016

If you do not correct the nuisance or file an appeal before October 20, 2016 , the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

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Issued by: Daniel Hesse Badge: 326 Phone Number: 651- 266- 1909

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