



# City of Saint Paul

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## Master

**File Number: ALH 10-455**

**File ID:** ALH 10-455      **Type:** Appeal-Legislative Hearing      **Status:** Legislative Hearing Item

**Version:** 1      **Contact Number:**      **In Control:** City Council

**File Created:** 11/30/2010

**File Name:** 817 Aldine Street      **Final Action:** 12/21/2010

**Title:** Appeal of John Krenik to a Summary Abatement Order, Vehicle Abatement Order, and Correction Notice-Complaint Inspection at 817 Aldine Street.

**Notes:**

**Agenda Date:** 01/19/2011

**Agenda Number:**

**Sponsors:** Stark

**Enactment Date:**

**Attachments:** 817 Aldine St.appeal.12-14-10.pdf, 817 Aldine Street.Bob Johnson Email.12-21-10.pdf, 817 Aldine St.photos 1.pdf, 817 Aldine St.photos 2.1-23-09.pdf, 817 Aldine St.vehicle photos.pdf, 817 Aldine St.LH revised ltr.12-21-10.doc

**Financials Included?:**

**Contact Name:**

**Hearing Date:**

**Entered by:** Racquel.Naylor@ci.stpaul.mn.us

**Ord Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Legislative Hearings	12/14/2010	Rescheduled	Legislative Hearings	12/21/2010		
	<b>Action Text:</b>	Rescheduled to the Legislative Hearings, due back on 12/21/2010					
	<b>Notes:</b>	Attorney, Mark Thompson called. Rescheduled to 12-21-10.					
1	Legislative Hearings	12/21/2010	Referred	City Council	01/19/2011		
	<b>Action Text:</b>	Referred to the City Council, due back on 1/19/2011					
	<b>Notes:</b>	Recommended denying the appeal and granting an extension to January 31, 2011 to remove the scaffolding. All the items on the list must be completed by April 30, 2011. If they are not completed, the Fire Certificate of Occupancy will be revoked on May 15, 2011.					
		Mark Thompson; John Krenik, property owner; and Bob Johnson appeared.					
		Summary Abatement, Vehicle Abatement and Correction Notice					
		Ms. Moermond stated that she received an email from Bob Johnson that she will put into the record. (See email.)					
		Inspector Essling reported that the photographs are old - from 2008 and 2007. The Summary					

Abatement was issued November 19, 2010 with a compliance date of December 13, 2010. There were two (2) items on the Summary Abatement. Notes: exterior refuse including building materials and equipment. Additionally, wooden scaffolding from both sides of garage. Vehicle Abatement issued November 19, 2010 with a compliance date of December 13, 2010 regarding two (2) tarp covered (collector) vehicles parked in the yard that appear to be inoperable - have been stored there for over five (5) days which is a violation of the zoning code. They lack the required screening from public view. This file goes back to 2002. A citation was issued in July of 2002 for the same stuff. Correction Orders - November 2007 for the garage, exterior storage, Summary Abatements, Excessive Consumption. There have been numerous complaints about the scaffolding.

Inspector Shaff reported that a complaint was received on November 18, 2010 for work being done on a building without a permit. It was referred to Steve Ubl. Mr. Ubl reported that this project was started in 2001. He had been the inspector from 2007-09. They received orders in September 2008, March 2009 and September 2009, and to date, the work is still not complete. This year's complaint caused the Fire Inspector to get involved. They asked Mr. Krenik to complete the work under permit. Inspector Shaff stated that Mr. Krenik applied for the permit on November 23, 2010. The re-inspection date was December 22, 2010.

Mr. Thompson said that regarding the Vehicle Abatement, the Code Chapter 163.0173a - there's a straight out exemption for collector vehicles. He doesn't see any requirement for screening in the Code. The vehicles are tarped, tabs are renewed; this has been in the Code since 1966. He believes the vehicles are Code compliant.

Ms. Moermond asked Mr. Essling about the screening. Mr. Essling stated that screening is a state requirement. Mr. Krenik and he have been through this many times. Mr. Essling has provided Mr. Krenik with this information before regarding the vehicles he has on his home property. Mr. Krenik can be in compliance by removing the vehicles as staff has ordered him numerous time to do. Mr. Thompson responded that he would like to be provided with the state code so that he can determine if Mr. Krenik needs to comply with it; if so, he will do so. Ms. Essling will provide Mr. Krenik, Mr. Thompson and Ms. Moermond with the state code requirements. Mr. Thompson provided Ms. Moermond with photos of the license plates. Mr. Krenik noted that there are other issues related to where his other cars were parked. He worked it out with the City to be in compliance. He got a parking pad permit and put up screening. When he brought that to Mr. Essling's attention and spoke with Mr. Essling's boss, the whole tone of things changed. He can provide that documentation, as well. Mr. Krenik and Code Enforcement officials have been in dispute. The parking pad had been approved by the City for thirteen (13) years. All of a sudden, Mr. Essling decided that it wasn't good enough.

Ms. Moermond will be looking for additional materials regarding the Vehicle Abatement.

Regarding the Summary Abatement Orders, Mr. Thompson provided photos of the cleaned-up property. Mr. Krenik spent the snow weekend trying to clean up. Mr. Krenik fell on the ice and cracked his hip (he provided a letter from the doctor). The doctors can't put a pin in it. He is trying to comply with everything that the City wants.

Ms. Moermond and Mr. Essling reviewed the photos. Mr. Essling stated that he was the most recent inspector at this property. He noted that it has been significantly cleaned-up since he had been there. Mr. Thompson added that the weather has really been prohibitive in the clean-up process. Ms. Moermond asked when the file was opened in Fire. Ms. Shaff responded that this is a referral inspection, so, it's not on the Fire Certificate of Occupancy but it's not the first time that fire inspectors have been to this property. Mr. Krenik added that it is a Class A property. Mr. Thompson stated that the foundation has been approved the the counter flashing on the roof was inspected last week. They have no problem providing access to the property. He thinks that the deficiencies have been satisfied except for the window sills. Ms. Moermond asked what the scaffolding is for. Mr. Krenik said that he has been working with the City on some of these issues. The garage was built in 1910 - it was actually three (3) garages put together. The home on the property was the builder's office and there was a work shop in back. In 2001-2002, it was looking pretty tough, so Mr. Krenik invited Frank Berg and Steve Tensing to come to take a look and see what could be done to address it. After several meetings, they came up with a plan to take down 2/3 of the building, build a new storage shed (10 x 12). They built a foundation under the approval of Frank Berg. They ran into an issue that set them back: on one side of the property where the garage is, there's a utility pole, which needed to be moved because there was no easement. Xcel Energy dragged their feet on this - they wouldn't move the pole after they said that they would. Scott Renstrom (Ward 6 aide) intervened and the pole was moved so that he could construct one part of the garage. He built the garage out of rock face concrete

block. He wanted something that would be beautiful and also last. It was very expensive. There were issues with building materials in the yard that were addressed. Meanwhile, they tried to get the other third of the garage built. And again, they had an issue with the utilities: there was some overhead telephone and power lines that needed to be moved. Again, someone intervened; this time it was Emmett Coleman, Mayor Coleman's brother, who made some phone calls to Xcel, etc. After trying to get these utilities moved for several years, they finally moved one pole. At that time (2007), Mr. Ubl got involved and ordered Mr. Krenik to take down the last part of the garage and put in a new foundation. Mr. Ubl pulled his permit saying that he was unsure of the design. Mr. Krenik now needed a new permit; he met with City officials on July 28, 2008 and on approval of the design, he had all staff present sign it. By the time the poles were moved and the rest of the garage was torn down, it was late 2009. Mr. Ubl inspected and Mr. Krenik worked through the winter. Mr. Ubl approved the foundation, etc. There are dormers on the garage that require special framing. Mr. Ubl provided Mr. Krenik with some good ideas and also gave him good credit. Mr. Krenik is doing all the work himself; he is a teacher, by trade. This past summer, Mr. Krenik had a series of emergencies; his son has an extreme heart issue. In trying to hurry-up the project, Mr. Krenik was pressure washing the building and trying to change nozzle - he blew up his hand for which he was hospitalized. That set him back considerably. This fall, Mr. Essling called him and told him that there was an issue; his building permit had been pulled. A complainant said that he had been working on his building without a permit; however, Mr. Krenik wasn't working on the building at that time (end of October, beginning of November). Mr. Krenik works for the Department of Corrections in Faribault, MN. It's not an easy thing to take time off from work. He was able to get a new permit November 23, 2010; he started to work on it and then we got hit with the bad weather and he cracked his hip. The last thing he has to do is to put stone sills (weighing 200 lb a piece) on the structure. He has a lift that one can crank to lift the sills onto the scaffolding. So, in the yard is the scaffolding, the lift and a concrete saw. He entered photos taken yesterday of the sills, where they go, snow drifts on the property and the completed flashing.

Ms. Moermond stated that the City wants to see this project completed; she needs Mr. Krenik to commit to a completion deadline. If it's not completed, the City could issue a criminal citation or a revocation of the Certificate of Occupancy for chronic incompleteness. Mr. Krenik responded that he wants to make sure that everything is done right for the C of O. What bothers him is that had his building permit not been pulled and had he been able to continue working on the project, it very likely would be done. Mr. Ubl added that this project started nine (9) years ago. Mr. Krenik has had four (4) Orders to complete the work in the last two (2) years. All four (4) Orders were agreed upon by the City and Mr. Krenik. DSI and the neighborhood has been very patient with this issue. Mr. Krenik stated that the structure is 98 percent completed. There have been many unforeseen, uncontrollable happenings surrounding this project. He added that he is just as frustrated as Mr. Ubl. Ms. Moermond asked Mr. Ubl if he concurred with that. Mr. Ubl replied that still needs to be landings and flights of stairs to be addressed. Final inspection can not be done without legal access into the structure. Mr. Krenik asked Mr. Ubl whether he had received his email of December 10, 2010, in which he asked for clarification of the landings and the stairs (was not in the building permit). Mr. Ubl said that he doesn't recall responding to this email.

Ms. Moermond questioned the amount of the permits. Mr. Krenik replied that there have been three (3) different permits: 1) for 2/3 of the garage for \$5,000; 2) the 1/3 for \$3,000; and 3) this last one for small flashing for \$500. Ms. Moermond stated that she is calculating that Mr. Krenik has \$8,000 worth of value, according to the permits that he pulled.

Ms. Moermond stated that she realizes that Mr. Krenik's circumstances are difficult but the City needs to have a commitment to get this done. Mr. Thompson stated that if the weather permitted, it could be done soon. Currently, getting onto the scaffolding would be a significant safety hazard. Mr. Ubl commented that no one should be out there on that scaffolding. Mr. Thompson stated that he thinks Mr. Krenik needs until spring to do the work. Mr. Ubl thinks that all staffing should be removed immediately and all new products be erected for the completion of that project. Mr. Thompson responded that if all staging needs to be removed, Mr. Krenik will be going backwards. Discussion ensued as to where to move it. Mr. Krenik stated that "all materials in the yard must be placed inside the new accessory structure out of sight." He said that he wants to be compliant on one hand and he wants to finish the construction but it seems that one thing is getting in the way of the other. The materials are out of the yard; the scaffolding is sound. If the weather permits, he can get the sills in and then take down the scaffolding. It's bolted and not just nailed - all with galvanized bolts so they are not just rusting. Mr. Ubl stated that treated woods or even hard woods are suitable sometimes, but this material is either spruce or pine used for interiors, so there's protection on it. The cellular composition of that wood is degrading and it needs to be removed. He doesn't want to put anyone in harms way by extending this any longer. Mr. Krenik responded that the scaffolding was made with

pressure-treated lumber; all 4 x 4's are green treated. The planking is Douglas fir. According to the Forestry Institute, that has a different decomposition rate vs SPF. He knows that because he is a former Forestry student at the U of M. He added that it's attached to the building; he's asking for an extension to spring.

Ms. Moermond asked Inspector Shaff if Fire inspected the scaffolding. Ms. Shaff responded that they didn't look at it; it's not an exit for them, per se. Mr. Krenik said that the only way one can get onto the scaffolding is with a ladder or through one of the windows and there is no ladder in the yard; the yard is fenced and the tenant has a dog. Ms. Schaff commented that this particular building would likely have a different Certificate of Occupancy from the residential piece; looks as though it would be a warehouse or commercial item. Mr. Krenik responded that it had always been treated as an accessory structure until the complaint. Ms. Shaff added that she conducted a C or O on this a few years back and Mr. Krenik said he was going to use it as a workshop. Mr. Krenik added, "Part of it."

Mr. Ubl stated that there is a wooden floor on this structure and he wants to clarify that no cars can be parked there. Ms. Moermond asked if anything needed to be completed on the inside of the structure. Mr. Ubl stated that the interior is good, from his perspective.

Recess for a few minutes.

Ms. Moermond asked Mr. Essling whether he has ever written Orders on a scaffolding. He replied that he had and added that this scaffolding is not a hazard from his standpoint, but a nuisance. Mr. Krenik stated that two (2) inspectors looked at the scaffolding due to compliance and they closed it out saying that it was fine. Mr. Shelling and Mr. Isabel said that the structure was fine but the neighbor was complaining (9-29-10 and 10-15-10).

Ms. Moermond will get some additional information on the Vehicle Abatement concerning state law screening of collector cars. If that law applies in this situation as her memory indicates, the compliance date will be January 14, 2011 and it will be at City Council Public Hearing January 5, 2011.

Mr. Essling added that the Vehicle Abatement also notes that the vehicles have to be operable, which will have to be demonstrated; and they are in violation of the Zoning Code because they are being stored. Mr. Thompson responded that he believes the Ordinance he stated on record trumps those, as it reads to him. They are straight-up exemptions, according to him. Ms. Moermond will hold it in abeyance and she will review the statutes and the codes herself; will provide a recommendation by email.

Regarding the Summary Abatement Order, Ms. Moermond stated that it looks as though the vast majority of material has been removed and the scaffolding is the main issue. From the City's standpoint, it represents a safety hazard and a nuisance because it has been there so long. It is inappropriate storage of building equipment. She will recommend that the scaffolding be removed by January 31, 2011. Further, she recommends that work on the property needs to be complete by April 30, 2011. If the exterior work is not completed by April 30, 2011, she recommends that the Fire Certificate of Occupancy Program revoke the C of O with a two (2) week effective date (May 15, 2011). She further recommends to the Fire Certificate of Occupancy Program that until the building is actually in use and shown to be something other than an accessory building, that it be treated as one C of O for the entire property.

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