



APPLICATION FOR APPEAL

RECEIVED
DEC 19 2011
CITY CLERK

Saint Paul City Clerk
310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8560

The City Clerk needs 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 or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

YOUR HEARING Date and Time:

Tuesday, January 3, 2012

Time 11:00 am

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1186 MINNEAPOLIS AVE E. City: ST. PAUL State: MN Zip: 55106

Appellant/Applicant: METRO RESIDENTIAL, LLC Email: TIMEAVIDITYFINANCIAL.COM

Phone Numbers: Business 952-224-0667 Residence 952-834-1414 Cell 612-759-7664

Signature: [Handwritten Signature] Date: 12-16-2011

Name of Owner (if other than Appellant): _____

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
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other
- Other
- Other

SEE ATTACHED
NOTICE OF CONDEMNATION UNDER FEDERAL HUMAN HOUSING ACT TO VACATE (SEE ATTACHED)



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

December 9, 2011

METRO RESIDENTIAL LLC
4301 HIGHWAY 7 W STE 200
ST LOUIS PARK MN 55416-5803

NOTICE OF CONDEMNATION UNFIT FOR HUMAN HABITATION ORDER TO VACATE

RE: 1186 MINNEHAHA AVE E
Ref. # 112874

Dear Property Representative:

Your building was inspected on December 7, 2011.

The building was found to be unsafe, unfit for human habitation, a public nuisance, a hazard to the public welfare or otherwise dangerous to human life. A Condemnation Placard has been posted on the building.

CONDEMNATION OF THE BUILDING REVOKES THE CERTIFICATE OF OCCUPANCY.

Failure to complete the corrections may result in a criminal citation. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy.

DEFICIENCY LIST

1. Building - Gas and Electrical Service - SPLC 34.14 (2), 34.34 (5) - Provide an approved gas and electrical service adequate to meet the buildings needs.-Immediately restore the gas and electrical service to the property or vacate the building.
2. Condemned - No Gas or Electric - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.

3. Exterior - Window Screens and Storm Windows - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screen.-Replace the missing window screens and storm windows throughout the property.
4. Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on garages free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair/replace the missing/deteriorated fascia and wood trim on the garage. Scrape all flaking/chipped paint. Maintain all exterior surfaces in a good state of repairs and protected against elements of the weather.
5. House - Soffits - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Replace the missing soffits.
6. Retaining Wall - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior retaining walls free from holes and deterioration.-Repair/replace the damaged skim-coat on the retaining wall.
7. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
8. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at: wayne.spiering@ci.stpaul.mn.us or call me at 651-266-8993 between 7:30 - 9:00 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

Wayne Spiering
Fire Inspector
Ref. # 112874

cc: Housing Resource Center
Force Unit

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



CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

55101-1806

12/14/2011
FIRST CLASS MAIL
POSTAGE

\$00.44



ZIP 55101
04111226295

**1186 MINNEHAHA AVE. EAST
ST. PAUL, MINNESOTA
STATEMENT OF APPEAL FROM NOTICE OF CONDEMNATION UNFIT
FOR HUMAN HABITATION ORDER TO VACATE**

The subject property is owned by Metro Residential, LLC. The property was acquired on November 3, 2010 from FNMA as a bank foreclosed property. It was vacant, as the owners had been evicted. Cosmetic improvements were completed by the Metro Residential, LLC, including painting, sanding the floors, cleaning and cabinet replacement. The property was listed in early, 2011 with Richard Leyh of Keller Williams. This listing was cancelled and the property has been re-listed with Dominick Mackenroth of Jordan Realty. There have been a number of showings since the second listing, and negotiations are underway with a potential buyer.

On or about December 5, 2011 I received a telephone call from Mr. Spiering, the Fire Inspector. He had evidently been sending notices to an old address in Edina. He told me that the property was vacant. I informed him that it was listed for sale, and that we elected not to lease the property. We made that decision due to problems showing a property with tenants in it, and due to wear and tear. The living area of the property is presently staged with furniture. Mr. Spiering stated that I could have a fire inspection or truth in housing. I told him that I would check with a partner, but would probably go with the truth in housing that our Realtor recommended. I told him that I would call him back with the answer. I was out of town Friday, December 9, and sick Monday and Tuesday, December 12-13. I left a message with him Wednesday morning, December 14, telling him that we would be doing a truth in housing inspection.

The afternoon of December 15, 2011 I received the attached notice of Condemnation. I called him to ask if he received my message. He stated that I had not responded to him, even though I had left a message nine days after our initial conversation. He stated that he had done an "exterior inspection". After an extended conversation he stated that he was forced to condemn the house as it had been vacant for six months. I asked for a copy of the regulation regarding this, and gave him my e-mail address. I have not received a copy of the regulation. Once again I stated that we did not want to rent it, and that the property had been listed. It seems preposterous that a house is automatically condemned when listed for sale if it does not sell within six months. His placing the condemnation notice on the property has seriously jeopardized our negotiations with the potential buyer, and may cause significant financial damages to us as owners. He stated that we had no choice except to have the fire inspection, as we were not now allowed to have a truth in housing. Therefore, we scheduled a fire inspection for December 29, 2011.

We are appealing this decision to condemn, as the house was listed for sale, and we were more than willing to have a truth in housing inspection completed. His "exterior inspection" was only two days after our initial conversation, and the order to condemn was drafted only four days after our initial conversation, and only four days after I told him that I would discuss his call with my partners and elect either the fire inspection or truth in housing. I know of a number of other investor and bank owned homes in the area

that have not been condemned that are listed for sale in excess of six months. It appears that this action has been arbitrary, and discriminatory, and therefore we are appealing it. Is it the City's intent to condemn every house that has not sold within six months?