



APPLICATION FOR APPEAL

OCT 17 2012
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
- Walk-In OR Mail-In

YOUR HEARING Date and Time:
Tuesday, <u>Oct. 23</u>
Time <u>2:30 p.m.</u>
Location of Hearing:
<u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 1323 EDMUND AVE City: ST PAUL State: MN Zip: 55104

Appellant/Applicant: SCOTT MONTGOMERY Email SCOTT@TMGMN.COM

Phone Numbers: Business 651-789-2332 Residence NONE Cell 651-792-6876

Signature: [Signature] Date: 10/16/12

Name of Owner (if other than Appellant): DANIEL RUBINO

Address (if not Appellant's): 75461 GREEN ACRES DRIVE, NAPERVILLE, IL 60540

Phone Numbers: Business 630-983-8300 Residence — Cell 630-362-5851

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 _____

Appeal Board
310 City Hall
15 W Kellogg Blvd.
St Paul, MN 55102

Re: 1323 Edmund Ave

Dear Sirs or Madam,

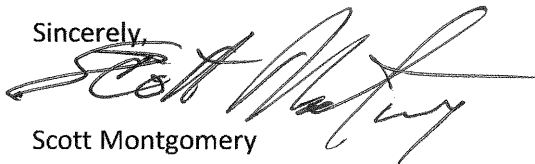
I give the following explanation of the history of this property not to receive any sympathy, but to give some background as to how we got to this point. The owner of the above mentioned property, Mr. Daniel Rubino, sold this property on a contract for deed back in 2006 and received payments for a period of time. When the purchaser quit making the payments he subsequently cancelled the contract. The purchaser then decided to file a lawsuit which tied the property up for an extended period of time until it was finally resolved sometime in 2010 at a cost well into 5 digits (approximately \$15,000). After another lengthy battle he was finally able to get the tenant removed late this past summer at a cost of an additional \$3,000

At that point he told me he had been in contact with Ms. Lisa Martin regarding a Fire Inspection Notice he had received from her and had instructed her to call me, a call I never received. In the meantime, once the tenant was out we sent someone over to clean out the house, re-key the property and secure it to avoid having the property end up on the Vacant Building list. I then called Ms. Martin and told her what had been accomplished and asked her to call me and let me know if there was anything else we needed to do, and that we were selling the property so the owner was not interested in renewing the Certificate of Occupancy as a new buyer would more than likely be buying the property for rehab and resale. Again, I did not receive a return call. When the Vacant Building Notice was received I immediately called and spoke with Ms. Martin's superior as she was out for the day. He said their people always return calls within 24 hours and instructed me to file for an appeal which is the reason for this Appeal Application/Explanation Letter. My objective in explaining all of this is not to get Ms. Martin in any trouble, but just to explain the sequence of events that brought us to this point.

In closing I believe it is unfair to penalize anyone who has attempted to follow the rules and stay in touch with the agencies that oversee housing in St. Paul. As you probably know, a property that is stigmatized with a Category 2 status on the Vacant Building List is much more difficult to sell and the price is impacted significantly. We respectfully request that this property be removed from the list, and allowed to be sold without the added encumbrance of a Category 2 branding.

Thank you in advance for your consideration in this matter.

Sincerely,



Scott Montgomery
Representative for the owner

scott@tmgmn.com
651-792-6876



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

October 15, 2012
DANIEL J RUBINO
DEBBIE RUBINO
7S461 GREEN ACRES DRIVE
NAPERVILLE IL 60540-6428

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1323 EDMUND AVE
Ref. # 111897

Dear Property Representative:

Your building was determined to be a registered vacant building on October 5, 2012. Since certificates are for the occupancy of buildings, it has become necessary to revoke the Certificate of Occupancy.

Saint Paul Legislative Code provides that no building shall be occupied without a Certificate of Occupancy. In order to re-occupy the building, the following deficiencies (if applicable) must be corrected and a complete Certificate of Occupancy inspection will be required.

DEFICIENCY LIST

1. Exterior - Garage - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
2. Exterior - Garage - 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.
3. Exterior - SPLC 34.09 (2) 34.32 (2) - Provide an approved guardrail with intermediate ballustrade or rails 4 inches or less apart. This work may require a permit(s). Call DSI at (651) 266-9090.
4. Exterior - SPLC 34.09 (2) 34.32 (2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.
5. Exterior - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration.

Provide and maintain exterior unprotected surfaces painted or protected from the elements.-The garage needs repair including paint, roof, and replace the service door. Secure the garage.

6. Exterior - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.-Remove all debris from the property including the garage.

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 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 this order.

If you have any questions, email me at: lisa.martin@ci.stpaul.mn.us or call me at 651-266-8988 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Lisa Martin
Fire Inspector

Ref. # 111897

DEPARTMENT OF SAFETY AND INSPECTIONS

Steve Wagner, Manager of Code Enforcement



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Nuisance Building Code Enforcement

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

651-266-8989

651-266-1919

www.stpaul.gov/dsi

October 10, 2012

Daniel Rubino
7s461 Green Acres Dr
Naperville IL 60540-6428**VACANT BUILDING REGISTRATION NOTICE**The premises at **1323 EDMUND AVE**

has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required to register this building with the Department of Safety and Inspections, Vacant Buildings Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of **\$1,100.00**. The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

Please return the enclosed registration form along with your payment by November:10, 2012.

Do not mail cash.

If you wish to pay in person, you may do so from 8:00 a.m. to 4:00 p.m. Monday through Friday at:

DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

You may file an appeal to this fee or registration requirements by contacting the Office of the City Clerk at (651) 266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

If the registration fee is not received in this office within 45 days of the date of this letter the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.

The Code Enforcement Officer has notified the Building Inspection And Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this Notice.

October 10, 2012
1323 EDMUND AVE
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**WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A
CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.**

Category 2: Requirements include: 1. register/re-register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

Category 3: All requirements listed for Category 2 vacant buildings, AND obtain a **Certificate of Occupancy OR Certificate of Code Compliance** prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

**You must contact the Enforcement officer, Mike Kalis,
at 651-266-1929 to find out what must be done before this
building can be legally reoccupied.**

The Enforcement Officer may declare this building(s) to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building subject to demolition, the Enforcement Officer will notify all owners and interested parties of the Order to Abate, as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the Enforcement Officer, Mike Kalis, at 651-266-1929.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Thank You,

Steve Magner
Vacant Buildings Program Manager
Department of Safety and Inspections

Enclosures: Regulations Requirements Information
Vacant Building Registration Form

SM: mk
vb_registration_notice 06/10

City of Saint Paul
Department of Safety and Inspections
Vacant Buildings Program
Requirements, Regulations and Information

The Council of the City of Saint Paul has adopted ordinances regulating vacant and unoccupied structures.

You must register this building with St. Paul Department of Safety and Inspections, Vacant/Nuisance Buildings Code Enforcement Unit if the building is unoccupied and:

1. Unsecured, or
2. Secured by other than normal means (boarded), or
3. A dangerous structure, or
4. Condemned as uninhabitable, or
5. Condemned or Vacated by Fire Marshal Certificate of Occupancy Program, or
6. Has multiple housing or Building Code violations, or
7. Is condemned and illegally occupied, or
8. Has been unoccupied for a period of time longer than one year during which time the Enforcement Officer has issued an order to correct nuisance conditions.

Registration Requirements

1. Submit the enclosed Vacant Building Registration Form within 30 days, describing plans for rehabilitating and reoccupying or demolishing the building.
2. Disclose all pertinent ownership information.
3. Disclose all pertinent lien-holders.
4. Disclose any current Truth-in-Sale of Housing Disclosure Reports.
5. Pay the \$1,100.00 annual Vacant Building Registration fee within 30 days of receiving this letter. **If the registration fee is not received within 45 days of the due date the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.**

NOTE: If the building is vacant due to a fire, you may have a 90 day exemption from the registration fee. You must still submit the enclosed Vacant Building Registration Form within 30 days informing us of your plans for the building to qualify for this exemption. At the end of 90 days your rehabilitation must be complete OR you must pay the \$1,100.00 registration fee.

6. Provide unencumbered access to all portions of the premises of the buildings to permit the Enforcement Officer to make a complete inspection.

Owners, agents, assignees and all responsible parties are required to comply with the following requirements of the Saint Paul Legislative Code:

1. Keep all buildings secure.
2. Keep all porches, stairs, and exterior premises free of refuse, junk and debris.
3. Cut grass and weeds.
4. Remove snow and ice from sidewalks.

Sale Requirements – Contact the Vacant Buildings section, 651-266-8989, for full details. There is a fee of \$275.00 for the Sale Review Process.

VB1 – Current registration and fees; notify the City; restore utilities.

VB2 – No sale without City approval. Requirements include: current registration and fee payments, code compliance report, cost estimate for all repairs, a schedule for completion of the repairs, and proof of financial capability to complete all repairs.

VB3 – No sale without a Certificate of Code Compliance or Certificate of Occupancy.