



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

Fax: (651) 266-8574

Email: legislativehearings@ci.stpaul.mn.us

RECEIVED

AUG 22 2014

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number Check 4222)
 - 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) <u>Tuesday, MONDAY, Sept 8, 2014</u>
Time <u>19:00 AM</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 1601 NILES AVENUE City: ST PAUL State: MN Zip: _____

Appellant/Applicant: WILLIAM J. MCKINNEY Email WMINUTEMAN@AOL.COM

Phone Numbers: Business FLORIDA 239-498 8749 MN Residence 952 443 1983 Cell 239 273 5924

Signature: William J McKinney Sr. Date: AUG 19, 2014

Name of Owner (if other than Appellant): SAME

Mailing Address if Not Appellant's: 8808 SUNSET CREST VICTORIA, MN 55386

Phone Numbers: Business NONE Residence 952 443 1983 Cell 239 273 5924

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 (Fence Variance, Code Compliance, etc.) FAMILY OCCUPIED SINGLE FAMILY RESIANCE



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989

Fax: 651-266-8951

July 24, 2014

DELMA B MCKINNEY
WILLIAM J MCKINNEY
23059 TREE CREST CT
BONITA SPRINGS FL 34135-2014

INSPECTION APPOINTMENT

Dear Property Owner:

An inspection of your property has been scheduled as follows:

Address:	1601 NILES AVE	Units:	1
Date:	August 11, 2014	Time:	1:15 pm
Inspector:	Mike Cassidy	Phone:	651-266-8984
		Email:	mike.cassidy@ci.stpaul.mn.us

You or your responsible representative is requested to meet the inspector at the front of the building to admit and accompany the inspector throughout the building, including each rental unit. It is the responsibility of the owner to notify the tenants at least 24 hours in advance that an inspection will be done. Please have keys available to all units and common areas.

Saint Paul Legislative Code authorizes this inspection and the collection of inspection fees. It is a criminal misdemeanor violation should you not permit this inspection by failing to appear for this appointment without rescheduling with the inspector. In addition, a **No Entry Fee of \$60.00** may be assessed to the Renewal Fee whenever the owner or responsible representative needs to re-schedule the appointment but fails to notify the inspector, **in writing**, by 8:00 a.m. on the date of the inspection.

If you no longer own this building, contact the inspector immediately between 7:30 - 9:00 a.m., Monday through Friday.

FOR CONDOS:

The interior of owner-occupied dwelling units are **exempt** from this inspection. In condominium buildings, only *rental* units, the common areas, and utility area will be inspected.

FOR APARTMENTS AND DWELLINGS:

A **Smoke Detector Affidavit and an Existing Fuel Burning Equipment Safety Test report must be completed at the time of inspection.** For these forms, fee schedules, information and other inspection handouts, please visit our web page at: <http://www.stpaul.gov/cofo>

Thank you for your co-operation.

Subj: **FW: 1601 Niles Ave. Appeal application**
Date: 8/19/2014 4:15:50 P.M. Eastern Daylight Time
From: mike.cassidy@ci.stpaul.mn.us
To: Wminuteman@aol.com

-----Original Message-----

From: Cassidy, Mike (CI-StPaul)
Sent: Tuesday, August 19, 2014 3:01 PM
To: 'wminuteman@aol.com'
Subject: FW: 1601 Niles Ave. Appeal application

-----Original Message-----

From: Neis, Adrian (CI-StPaul)
Sent: Tuesday, August 12, 2014 11:09 AM
To: wminuteman@aol.com
Cc: Cassidy, Mike (CI-StPaul); Moermond, Marcia (CI-StPaul); Shaff, Leanna (CI-StPaul)
Subject: 1601 Niles Ave. Appeal application

Mr. McKinney,

Thank you for taking the time to speak with me yesterday in regards to your property at 1601 Niles Ave.

After reviewing the letter you provided Mr. Cassidy and speaking to the Legislative Hearing Officer, we would agree to remove you from the Fire Certificate of Occupancy program as long as your daughter remains in the home and you continue to provide for her. If she at any time moves out of the property, you would be required to contact us immediately to be put back in the Fire Certificate of Occupancy program.

I have attached a scanned copy of your letter and an application for appeal. Please fill out this form in its entirety and submit the \$25.00 application fee. Once received, your appeal will be read into record. You do not need to attend the hearing unless you choose.

If you have any questions, please let me know.

Sincerely,

A.J. Neis
651-266-8992

Subj: **1601 NILES AVE**
 Date: 8/6/2014 7:51:54 P.M. Eastern Daylight Time
 From: Wminuteman@aol.com
 To: mikecassidy@ci.stpaul.mn.us
 CC: tomstrombeck@edinarealty.com, mckinneylaura@hotmail.com

Mike

This is about my reaction to the INSPECTION APPOINTMENT letter of July 24, 2014 to Delma B. McKinney and William J McKinney.

First, some caveats.

1. Either I or a representative will attend the dictated meeting of August 11
2. Nothing in my following comments are directed at you personally.

The letter infers, then states, this is a "rental unit". Nothing could be further from the truth. If the City of St. Paul has evidence to the contrary, please produce it.

1401 Niles Avenue is a single family home in a single family neighborhood occupied by our family.

Not one cent of rent has ever been collected, from the day we purchased the property, nor will there ever be. I am considering bringing my last three years of 1040 Tax Returns to our meeting. If you can locate \$1 of rental income, you are performing a miracle.

My wife and I purchased this property t four years ago to provide our daughter, who is legally permanently, totally disabled, a safe place to live. At present, she resides there, with our granddaughter.

They are family, so this "building" (your term) is family occupied. No rent is expected nor exacted. She could not pay it any way, she is unemployed, and without funds.

If the St. Paul Legislative Code authorizes this invasion of our privacy, then I believe the Code needs inspecting, not the "building". This single family home is not investment property, nor does it provide anyone any profit. Where in the Legislative Code is the definition that addresses this "building" authorizing inspection?

Two years ago, we were subjected to the same process. The building was inspected, several minor issues were identified. We had a contractor complete the required changes. Your office then made a follow up inspection, and approved all the work done. If you were to consult your records, you could review this series of actions and communications.

My question. Are you now looking for additional issues, or are you generating additional "inspection" revenue for the City?

You will probably advise that our daughter was not listed as the properties owner, and therefore your software program was not able to identify this building as "owner occupied". It is not daughter-owner occupied, for the simple reason that as a disabled, unemployed person she would not qualify for a mortgage or insurance. Consequently, the property is in her parents names, but the occupants are close family, daughter and grand daughter. We also maintain the property. This week, I sent a contractor a check for more than \$1,000 for repairs made because of ice dam damage. We also keep the lawn cut, and the sidewalks shoveled.

Perhaps you can understand our frustration with your required inspection process, dictated by the St. Paul Legislature. We, as family, are trying to do all we can to alleviate a hardship situation, at no small cost to us. St. Paul, by it's action, simply adds to our burden.

Perhaps we will just have to wait until we die, and then our daughter as our heir, will qualify as a single family home owner-occupant, according to St. Paul legislation, and thus exempt from "inspection".

On the other hand, we believe your management team should research this issue, and determine if there might be a better solution this unique situation that could be developed to provide a more thoughtful outcome.

952-443-1983

Sunday, August 10, 2014 AOL: Wminuteman