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APPLICATION FOR APPEAL

RECEIVED

JUN 17 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
- Walk-In OR Mail-In

YOUR HEARING Date and Time:

Tuesday, 6-28-11

Time 11:00 am

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 1429 MARSHALL AVENUE City: ST. PAUL State: MN Zip: 55104

Appellant/Applicant: Rick Thorne Email _____

Phone Numbers: Business _____ Residence _____ Cell 612-723-4725

Signature: [Handwritten Signature] Date: 6/14/11

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

Appeal is being made on basis of alleged violations of Appellant's due process rights and alleged disregard of proper notice and procedural requirement.

MICHAEL G. KULA, P.A.

ATTORNEY AT LAW

1275 ST. CLAIR AVENUE
ST. PAUL, MINNESOTA 55105-2818

TELEPHONE 651-699-1499
TOLL-FREE 1-877-789-1499
FACSIMILE 651-699-0134

MICHAEL G. KULA

June 17, 2011

HAND DELIVERED

St. Paul City Clerk
310 City Hall
15 Kellogg Boulevard West
St. Paul, MN 55102

Re: Appeal of City Issued Order
1429 Marshall Avenue, St. Paul, MN

Dear City Clerk:

This office represents Rick Thorne. On June 13, 2011, Mr. Thorne received a Notice of Condemnation/Order to Vacate ("Order") from the City of St. Paul. Mr. Thorne is appealing the Order.

Enclosed herewith are the following:

1. Signed and dated Application for Appeal (with a copy of the Order attached); and
2. A check from our firm made payable to the City of St. Paul in the amount of \$25.00 as and for the filing fee.

We anticipate that items #2 and #3 of the remedies, set forth on page 2 of the Order, will be accomplished. Therefore, we recommend that the hearing date for the appeal be scheduled at the latest permissible date.

Please contact me if you have any questions.

Very truly yours,



Michael G. Kula

:mgk

encl.

cc: Rick Thorne (w/ encl.)



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/dsj

June 9, 2011

RICK THORNE
1416 CARROLL AVE
SAINT PAUL MN 55104

**NOTICE OF CONDEMNATION
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

RE: 1429 MARSHALL AVE
Ref. # 117071

Dear Property Representative:

Your building was inspected on June 9, 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.

The following deficiency list must be completed or the building vacated by the re-inspection date.

A reinspection will be made on June 17, 2011 at 1:00pm.

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. 1429 MARSHALL - OUTBUILDING - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office. -BUILDING SHARES A COMMON WALL ATTACHED TO 1415 MARSHALL THAT IS IN THE PROCESS OF BEING DEMOLISHED. STRUCTURE HAS BEEN COMPROMISED.

An Equal Opportunity Employer

THE REMAINING PORTION OF THE CONCRETE WALL BELONGING TO 1415 MARSHALL MUST BE IMMEDIATELY REMOVED.

REMEDIES:

1. Raze and remove the unsafe structure; or
 2. Provide a structural engineering analysis of the masonry wall, metal walls and roof system by a registered PE.
Make such repairs as are necessary to provide required structural integrity and stability to the walls and roof system.
Provide an approved, required means of egress for the structure.
All work must be done under permit by licensed contractors.
 3. If option # 2, to evaluate and repair is chosen, an easement and party wall agreement, or other acceptable property division or arrangement between the two property owners, must be provided to city staff, for review and approval prior to any work being performed. This structure is positioned on two separate PIN parcels of property with two separate property owners.
2. 1429 MARSHALL - OUTBUILDING - MSFC 906.1, MN Stat. 299F.361 - Provide approved fire extinguishers in accordance with the following types, sizes and locations.
-Provide minimum 2A10BC fire extinguishers spaced not more than 75 feet travel distance from any point in the building to an extinguisher. They must be permanently mounted between 3 and 5 feet high in readily visible and easily accessible locations.
3. 1429 MARSHALL - OUTBUILDING - MSFC 1005.2 - Provide an approved means of egress. Building is missing the required door for necessary egress.
4. 1429 MARSHALL - OUTBUILDING - SPLC 34.19 - Provide access to the inspector to all areas of the building.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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: adrian.neis@ci.stpaul.mn.us or call me at 651-266-8992 between 7:30 - 9:00 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

A.J. Neis
Fire Inspector
Ref. # 117071

cc: Housing Resource Center
Force Unit
Phil Owens, Assistant Fire Marshal
Steve Magner, Manager of Code Enforcement
Angie Wiese, Commercial Fire Inspection Supervisor
Steve Ubl, Senior Building Inspector
Ricardo Cervantes, Director of Safety and Inspections
Jim Orchard, Concordia University