



# APPLICATION FOR APPEAL

RECEIVED  
FEB 21 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

<b>YOUR HEARING Date and Time:</b>
Tuesday, <u>2</u> - <u>28</u> - <u>12</u>
Time <u>11:30 a.m.</u>
Location of Hearing:
Room <u>330 City Hall/Courthouse</u>

*mailed 2-21-12  
E-mailed to Kelly & Lemmons  
2-21-12*

## Address Being Appealed:

Number & Street: 1152 Wilson Avenue City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Jeremiah J. Hurley Email \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: *[Handwritten Signature]* Date: 2/13/12

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 \_\_\_\_\_

January 3, 2012

To whom it may concern:

My name is Jerry Hurley. I live at 1152 Wilson Ave in St. Paul. I am writing this letter in response to a visit at my home from inspector Yaya Diatta. The inspector has informed me that as far as he is concerned, I will no longer be able to use my garage in the manner in which I am currently using it. Let me give you some background.

I bought and have lived in this house for over 20 years. Up until the last few years I lived alone. A couple of years ago I was reunited with my daughter Brook and her two children. My daughter was having some financial difficulties so I invited her and my grandchildren to move in with me. My daughter works full time and my grandchildren both go to school. While I was happy to have my family under my roof it created some issues. The biggest issue is that I do not keep "normal" hours. I have significant health issues that make it difficult for me to walk, breathe and sleep. I take prescription pain killers for my back and have had to be taken to the emergency room several times with life threatening blood clots in my lungs. I have a handicap sticker for my car because I cannot walk more than 50 feet. I am also unable to sit in a chair or sofa for prolonged periods of time due to my back issues. I had a port-a-potty delivered to my house because I can't always make it to the bathroom in my house due to my health issues. You are probably wondering why I am telling you all of this, well here is the problem. Because my grandchildren go to school in the morning and my daughter goes to work in the morning it needs to be somewhat quiet in the house after 10:00 pm. I have set up a TV, refrigerator, chair and a hospital bed in my garage so as not to keep everyone in the house up at night. I live in the house, my bedroom is in the house but I hang out in the garage so I don't bother anyone. The inspector said this is not acceptable. I don't understand why I can't use my garage the way I want to. Is it the city's position that no homeowner in St. Paul is allowed to watch TV in his or her garage? Is it the city's position that no homeowner is allowed to have a refrigerator in his or her garage? Is it the city's position that no homeowner is allowed to sit in their garage? Because of my health issues (verifiable by my doctor if needed) I can't sit for prolonged periods of time so I also have a medical bed in the garage. The bed allows me to tilt the head up so I can view the TV from the bed. I use my hospital bed like most everyone else uses their sofa. If the city is going to outlaw the presence of a TV or a refrigerator or a chair in one's garage, I imagine you will also have to build a very large addition to the city jail to lock up the tens of thousands of city residents who would be in violation of the law. I am a homeowner, a taxpayer and a voter in St. Paul and all I want is to be left alone. I don't think I am asking too much.

Sincerely,

Jerry Hurley



## EXHIBIT A

Mr. Hurley is appealing the Determination set forth in the Notice dated February 10, 2012, finding that the garage located at 1152 Wilson Avenue is "Unfit for Human Habitation." Mr. Hurley does not dispute the need to correct the wiring in the garage. To that end, an electrician has been hired and the proper permits either have been or will be applied for.

Mr. Hurley does dispute the finding that he uses the garage as a dwelling unit. Attached hereto is a letter prepared by Mr. Hurley which explains his use of the garage. It should be emphasized that Mr. Hurley maintains his bedroom in the home located at 1152 Wilson Avenue and takes his meals in the home.

It should also be emphasized that Mr. Hurley finds television as a way of coping with the pain and suffering caused by his medical conditions. He only uses the television in the garage on those nights and at those times when he needs to watch the television to cope with his medical problems, and turning on the television in the home would disturb his daughter and grandchildren.

Mr. Hurley's use of the garage is typical of the use other homeowners in St. Paul make of their garages.

**Kelly & Lemmons, P.A.**  
ATTORNEYS AT LAW

• Chad D. Lemmons  
chadlemmons@kellyandlemmons.com

Real Property Law Specialist, Certified by the Real  
Property Section of the Minnesota State Bar Association

February 16, 2012

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

**VIA U.S. MAIL**

**RE: Our Client: Jeremiah Hurley**  
**Property Address: 152 Wilson Avenue, St. Paul, Minnesota**

Dear Sir/Madam:

Enclosed herewith, please find a copy of the Notice of Condemnation as Unfit for Human Habitation Order to Vacate dated February 10, 2012; an Application for Appeal of said Notice with attachments; and a check for \$25.00 in full payment of the filing fee due.

Please notify me of the date and time for hearing at your earliest convenience.

Respectfully yours,

**KELLY & LEMMONS, P.A.**



Chad D. Lemmons

CDL/smk  
Enclosures



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

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February 10, 2012

## NOTICE OF CONDEMNATION AS UNFIT FOR HUMAN HABITATION AND ORDER TO VACATE

Jeremiah J Hurley  
3470 Fairfax Ln  
Woodbury MN 55129-9342

Jeremiah J Hurley  
1152 Wilson Ave  
St Paul, MN 55106

Occupant  
1152 Wilson Ave  
St Paul, MN 55106

Dear Sir or Madam:

The Department of Safety and Inspections, Division of Code Enforcement, has determined that the **GARAGE** at **1152 WILSON AVE** is "Unfit for Human Habitation". In accordance with Saint Paul Legislative Code, Chapter 34, Section 23, the premises will be placarded on **2-10-12** and ordered vacated no later than **2-11-12**.

Your attention is called to the following provisions of Section 34.23, Subsection 6 entitled, "Vacation of Structure or Unit":

**"Any residential structure or residential unit which has been condemned or placarded as unfit for human habitation shall be vacated within the time set forth in the placard and/or order. It shall be unlawful for any person to let to any person for human habitation any structure or unit so condemned or placarded, and no person shall occupy the structure or unit after the date set forth in the placard and/or notice."**

**THIS DWELLING SHALL NOT AGAIN BE USED FOR HUMAN HABITATION  
UNTIL WRITTEN APPROVAL IS SECURED FROM THE CITY OF SAINT PAUL;  
DEPARTMENT OF SAFETY AND INSPECTIONS, DIVISION OF CODE  
ENFORCEMENT**



**Principle Violations:** These deficiencies must be corrected before this condemnation and vacate order will be removed.

1. The interior of the garage constitutes material endangerment and is not a habitable structure. It has inadequate sanitation due to lacking a basic facility and not properly connected the water and sewer system. The garage has inadequate light and ventilation. There are combustibles around the furnace creating a fire hazard. There are numerous extension cords and faulty wiring in the garage. The electrical work, gas/ heating/ and mechanical work were installed without permits and never approved by the city.
2. Section 60.205 (D) of the City of St Paul Legislative Code defines the Term Dwelling Unit and all the requirements, which you were notified of by the Zoning Department. The use of the garage as a dwelling unit is not permitted. You are in violation of this ordinance.
3. Remove the bed, bedding, clothing, microwave, household belonging which pertain to living in the garage. Comply by February 24, 2012.
4. Obtain an electrical, gas, and mechanical permits and have them approved / finalized or disconnect all utilities by March 2, 2012

**Other Violations:** These deficiencies must be corrected in order to bring this property into compliance with the Saint Paul Legislative Code.

Authorization to reoccupy this/these dwelling unit(s) will not be given until it is demonstrated that all principal violations have been corrected and that no new conditions exist which could constitute material endangerment or which threaten the peace, health, safety or welfare of the occupants of this building.

All repairs and new installations must be made in accordance with the appropriate codes. Permit information may be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220. (651) 266-8989.

You may file an appeal to this notice by contacting the City Clerk's Office at (651) 266-8688. Any appeal must be made in writing within 10 days of the date of this notice.

It is the responsibility of the property owner to keep all buildings secured and to properly maintain the premises at all times.

**If you have any questions concerning this matter, please contact the Inspector, Paula Seeley, at 651-266-1916. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to the inspector.**

Sincerely,

**Paula Seeley**  
Enforcement Officer

ps

c: Posted to ENS

uhh60103 4/11



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

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Yog hais tias koj hais lus Hmoob thiab koj tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266-8989. Nws yog pab dawb zwb. Si necessita un traductor, por favor llamanos al (651)266-8989. No costo.

**February 10, 2012**

Jeremiah J Hurley  
3470 Fairfax Ln  
Woodbury MN 55129-9342

Jeremiah J Hurley  
1152 Wilson Ave  
St Paul, MN 55106

## CORRECTION NOTICE

RE: **1152 WILSON AVE**  
File #: **12-021161**

Dear Sir or Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on **February 10, 2012** and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code<sup>1</sup> (see footnote 1, below).

1. There is evidence of plumbing work ( walk in tub) obtain permit.
2. There was electrical work done in the house without a permit. Obtain permit.
3. There is hazardous wiring, extension cords in lue of permanent wiring.
4. A permit was not obtained for the dryer vent. Obtain permit.
5. The electrical service panel is not indexed. Index circuits not marked.

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. The Enforcement Officer will reinspect these premises on or after **February 24, 2012**, by which date the violations noted must be corrected. **Failure to correct these deficiencies may result in the issuance of criminal charges<sup>2</sup>** and/or a civil lawsuit, and possible abatement/assessment by the City. All repairs and new installations must be made in accordance with the appropriate codes. Permits may be obtained by calling 651-266-8989.

You may file an appeal to this notice by contacting the City Clerk's Office at 651-266-8688. Any appeal must be made in writing within 10 days of this notice. (You must submit a copy of this Notice when you appeal, and pay a filing fee.)

**If you have any questions or request additional information, please contact me. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to me at 651-266-1916.**

Sincerely,

**Paula Seeley**  
Badge # 364



## CODE ENFORCEMENT OFFICER

### Footnotes:

- <sup>1</sup> To see the Legislative Code go to [www.stpaul.gov](http://www.stpaul.gov) on the internet, click on "Departments", then click on "Department of Safety and Inspections", scroll down the page for the "Codes". Most Correction Notices derive from Chapter 34.
- <sup>2</sup> Criminal charges can be brought on the day the violation is observed, but generally we allow time to correct unless this is a repeat violation.

ps

**WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

cn60100 6/10