

RLH SAO 21-17



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings  
**RECEIVED**

310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8585

FEB 22 2021

CITY CLERK *mail*

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number \_\_\_\_\_)
  - 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)

Tuesday, March 2, 2021

Time 11:00 a.m.

Location of Hearing:

~~Room 330 City Hall/Courthouse~~

Teleconference

*call between 11:00 a.m. and 12:30 p.m.*

## Address Being Appealed:

Number & Street: 1216 Charles Ave City: St Paul State: MN Zip: 55104

Appellant/Applicant: Steve Pincuspy Email: spincusp@aol.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 6308544330

Signature: *[Signature]* Date: 2/19/2021

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing 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/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments:  
Letter with relevant details is attached.

Steve Pincuspy  
1216 Charles Ave  
Saint Paul, MN 55104

February 19, 2021

Appeal Letter to Summary Abate Order – 1216 Charles Ave  
City of Saint Paul  
310 City Hall 15 Kellogg Blvd W  
Saint Paul, MN 55102

Re: Appeal Letter to Summary Abatement Order issued February 16, 2021

Dear Appeal Letter to Summary Abate Order – 1216 Charles Ave:

This letter is in response to the summary abatement order received by us via US Postal Service on February 18, 2021. Below I have outlined pertinent details that argue for a different outcome than set forth in the order, and which may also render it irrelevant or inappropriate at this time.

1. I attempted to contact inspector Andrew McCullough and left a voice mail message at his office the afternoon of February 18, 2021. There was no response as of this writing at 2:00 p.m. on Friday, February 19, 2021.
2. The order states that the owner must comply before February 23, 2021. Two and a half business days' notice to file an appeal and/or get a response from an inspector is an unreasonable and insufficient amount of time to review, file/mail/email a notice of appeal and deliver a check to the city during a state-wide pandemic that could pose greater health and safety risks than the supposed nuisance (Chapter 45 Saint Paul Legislative Home) referred to in the order.
3. In addition, said timeframe is utterly insufficient to contact, schedule and coordinate a Bagster pickup with a private waste hauler in order to comply with the order before the deadline specified.
4. Furthermore, on May 28, 2020 during the height of the George Floyd protests in St Paul, our home was struck by a vehicle causing damage to the foundation, entryway, siding, and exterior stone veneer.
5. We have engaged a contractor to conduct the repairs and manage leftover waste or materials and have already been inspected by the city twice since the incident.
6. Contractor has not fully completed work because of crew shortages due to Covid-19, delays in building materials manufacture and shipping, and recent inclement weather.

February 19, 2021

Page 2

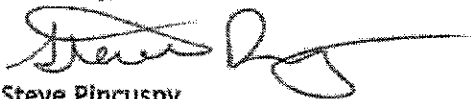
7. The contractor is currently scheduled to be at our house on Monday, February 22, 2021 to finalize the building work itself.
8. The Bagster garbage receptacle is a legitimate storage container for minor construction and demo debris that is solid waste in nature, and it does not contain accumulated hazardous material or hazardous waste regulated under Minnesota Statutes (2020) Chapter 115A.
9. The Bagster is being stored properly in accordance with its directions and is covered with a tarp to prevent water infiltration, eliminate visual blight, and reduce tampering. We have experienced tampering of even solid walled household waste and recycling carts in our neighborhood, so no receptacle is tamper proof.
10. There are no putrescible items contained in the Bagster that would attract pests or cause noxious odors.
11. Insect, rodent or pest harborage is largely moot since the receptacle is self-contained, tarped and presents conditions far less hospitable than shrubbery, native plants, or other under and overgrowth that lines the alleys, roundabouts, and neighboring homes along both Charles Ave and Sherburne Ave.
12. Homeowner intends to have the Bagster removed on or before by March 19, 2021 when the home repairs should be substantial complete.

As a result, I contend that the Summary Abatement Order is defective: it misses or fails to include crucial facts; incorrectly applies Chapter 45 of the SPLC and is overly broad with its interpretation, and fails to provide the homeowner with adequate opportunity to remedy the perceived violation.

Furthermore, enforcement of the order as it stands would force additional hardship upon this family, comes close to harassment by city inspectors, and would only serve to further exacerbate a months-long, frustrating ordeal instead of facilitating the repair and recovery necessary in the wake of the unfortunate destruction at this home that accompanied the George Floyd protests.

I ask that you quash the order, or otherwise amend it to provide additional time to both complete the home repairs as well as garbage container removal. I would also be willing to provide regular updates to the City's inspector at an agreed upon interval to satisfy any lingering concerns.

Sincerely,



Steve Pincuspy

owner

Cc: Ward 4 Councilmember Mitra Jaliil, 310-D City Hall 15 Kellogg Blvd W, Saint Paul, MN 55102  
(submitted via email to ward4@ci.stpaul.mn.us)



CITY OF SAINT PAUL  
 CODE ENFORCEMENT  
 375 Jackson Street, Suite 220  
 Saint Paul, MN 55101- 1806

February 16, 2021  
 21 - 237794

## SUMMARY ABATEMENT ORDER

STEVE M PINCUSPY  
 1216 CHARLES AVE  
 ST PAUL MN 55104- 2514

*Yog hais tias koj hais 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.*

As owner or person(s) responsible for 1216 CHARLES AVE : please eliminate the nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

1 Remove improperly stored or accumulated refuse which may include: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from entire property including yard, boulevard, alley, and driveway.  
 PLEASE REMOVE AND PROPERLY DISPOSE OF THE GREEN BAGSTER AND ITS CONTENTS FROM THE DRIVEWAY. THANKS Comply before February 23, 2021

**Comply before:** February 23, 2021

**Questions:** Call your Inspector Andrew McCullough

**Phone Number:** 651- 266- 9066

**Thank you - we appreciate your cooperation!**

*Photo may not show all areas which need to be abated*

If you do not correct the nuisance or file an appeal before **February 23, 2021**, the City will correct the nuisance and charge all cost, including boarding costs, against the property as a special assesment to be collected in the same way as property taxes. Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be approximately \$260 per hour plus expenses for abatement.

**APPEALS:**You may appeal this order and obtain a hearing before the Legislative Hearing Officer by completing an appeal application before the deadline noted above or seven (7) days after the date mailed, whichever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 City Hall, 15 W. Kellogg Blvd., St. Paul, MN 55102. (651) 266- 8688. You must submit a copy of this Order with your appeal application.

**WARNING:** If violations are not corrected by the compliance date, the city's costs will be assessed to the property taxes of the related property. If additional new violations are discovered within the next 12 months, additional charge may apply.



Also send to:  
 Occupant



CITY OF SAINT PAUL  
 CODE ENFORCEMENT  
 375 Jackson Street, Suite 220  
 Saint Paul, MN 55101- 1806

February 16, 2021

21 - 237794

## SUMMARY ABATEMENT ORDER

OCCUPANT  
 1216 CHARLES AVE  
 ST PAUL MN 55104- 2514

*Yog hais tias koj hais 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.*

As owner or person(s) responsible for 1216 CHARLES AVE : please eliminate the nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

**1 Remove improperly stored or accumulated refuse which may include: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from entire property including yard, boulevard, alley, and driveway.**

**PLEASE REMOVE AND PROPERLY DISPOSE OF THE GREEN BAGSTER AND ITS CONTENTS FROM THE DRIVEWAY. THANKS Comply before February 23, 2021**

**Comply before: February 23, 2021**

**Questions:** Call your Inspector Andrew McCullough

**Phone Number:** 651- 266- 9066

**Thank you - we appreciate your cooperation!**

*Photo may not show all areas which need to be abated*

If you do not correct the nuisance or file an appeal before **February 23, 2021**, the City will correct the nuisance and charge all cost, including boarding costs, against the property as a special assesment to be collected in the same way as property taxes. Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be approximately \$260 per hour plus expenses for abatement.

**APPEALS:** You may appeal this order and obtain a hearing before the Legislative Hearing Officer by completing an appeal application before the deadline noted above or seven (7) days after the date mailed, whichever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 City Hall, 15 W. Kellogg Blvd., St. Paul, MN 55102. (651) 266- 8688. You must submit a copy of this Order with your appeal application.

**WARNING:** If violations are not corrected by the compliance date, the city's costs will be assessed to the property taxes of the related property. If additional new violations are discovered within the next 12 months, additional charge may apply.



Also send to:

Steve M Pincuspy/Cerina L Marlar 1216 Charles Ave St Paul MN 55104- 2514