

Scanned

VBR 12-54



APPLICATION FOR APPEAL

Saint Paul City Clerk

RECEIVED 310 City Hall, 15 W. Kellogg Blvd.

AUG 06 2012 Saint Paul, Minnesota 55102
Telephone: (651) 266-8560

CITY CLERK

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, Aug. 14

Time 2:30 P.M.

Location of Hearing:
Room 330 City Hall/Courthouse

emailed Notice 8-8-12 game

Address Being Appealed:

Number & Street: 670 Smith Ave S City: St. Paul State: MN Zip: 55107

Appellant/Applicant: TCF National Bank
Jon D. Nelson, Vice President Email jnelson1@tcfbank.com

Phone Numbers: Business 612-661-8786 Residence _____ Cell _____

Signature: [Signature] Date: 8/6/12
TCF VP

Name of Owner (if other than Appellant): _____

Address (if not Appellant's): TCF National Bank
801 Marquette Av, Minneapolis, MN 55402

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? Attachments Are Acceptable

Related

- 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

VB Category 2 designation



August 6, 2012

City's Clerk Office
310 City Hall
15 Kellogg Blvd W
St. Paul, MN 55102

SUBJECT: Notice of Condemnation/VB Category 2 Designation
670 Smith Av S, St. Paul, MN 55107

Gentlemen:

Attached please find documentation pertaining to TCF's request to appeal a notice of condemnation/VB Category 2 designation assigned to a property TCF owns at 670 Smith Av S in St. Paul. Letters noting such a designation were received by TCF after an inspection was completed on July 26, 2012.

I am the Vice President/REO Sales Manager for TCF, having been in this position for twenty-seven years at the bank. TCF's philosophy during my period of time managing this function for the bank, has been to complete improvements to properties we acquire, whenever possible. This improves the return TCF generates upon the sale of the property and helps maintain values in these communities in which TCF services properties. Most of TCF's buyers on such properties are first-time homeowners, looking for something to move right into and qualify for FHA/VA financing options. TCF ends up repairing nearly 90% of the properties it takes into inventory. TCF acts as any responsible homeowner would, maintaining the properties during our period of ownership and hiring contractors who go through our vendor assessment process before starting work with TCF. Any permits required in order to perform improvements are pulled by our contractors. Contractors hired by TCF must provide proof of insurance and licenses (for that work requiring licenses). TCF is proud of its record managing this difficult process and is the established leader in the local banking community when it comes to standards in the handling and sale of foreclosed properties.

TCF took title to the property in question on February 1 of this year after accepting a deed in lieu of foreclosure following the death of our primary borrower. TCF completed improvements to the property in order to put the house in "move-in" condition and listed the home for sale on March 6, completing a Truth in Housing disclosure at that time. It is our understanding that the home may have been used as a rental property by the previous owners and was still noted as such in the record's of the city's inspection division despite the change in ownership and vacant status of the home. An inspection was thus done on the home on July 26, which resulted in the decision being appealed. This inspection also, unfortunately, happened shortly after the property had been vandalized and copper stolen

Our Mission:

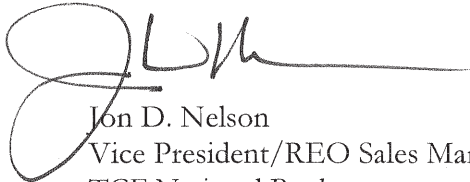
*To grow quality assets by delivering comprehensive lending solutions
with outstanding service and integrity to our customers.*

from the home. TCF was in the process of completing repairs to the home when the inspection occurred.

TCF is willing to complete the repairs noted in the letter dated July 31 from the city (attached), but strongly disagrees with the Category 2 designation it now holds. The home, with its mechanical systems attached, is not "unsafe, unfit for human habitation, a public nuisance, a hazard to the public welfare or otherwise dangerous to human life" that is described in the city's letter. If TCF is forced to market the home now as a Category 2 residence, that will limit the home's marketability, slashing its value dramatically and resulting in a likely resale of the property to an investor buyer.

We look forward to discussing these matters with your office and clearing any concerns you may have.

Sincerely,



Jon D. Nelson
Vice President/REO Sales Manager
TCF National Bank

Phone: 612-661-8786

Fax: 612-661-8030

Email: jnelson1@tcfbank.com

Our Mission:

*To grow quality assets by delivering comprehensive lending solutions
with outstanding service and integrity to our customers.*



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

352

August 01, 2012

TCF National Bank
801 Marquette Ave
Minneapolis MN 55402-3475

Dear Sir or Madam:

670 SMITH AVE S is a Registered Vacant Building that requires a Code Compliance Inspection per the Vacant Building Statute (Chapter 43). This inspection can be obtained by calling Building and Inspections and Design at (651) 266-9016. **This dwelling can not be occupied without a Certificate of Code Compliance.** Call (651) 266-9016 for a permit sign-off.

THE VACANT BUILDING REGISTRATION FORM AND REGISTRATION FEE MUST BE RECEIVED BY THE VACANT BUILDING PROGRAM BEFORE DSI MAY ISSUE PERMITS.

Violation of the Vacant Building Statute (Chapter 43) will result in the issuance of a criminal citation.

Written permission from the City of Saint Paul is required before a Category 2 or Category 3 Vacant Building can be sold. Requirements that must be met for Category 2 vacant buildings include: 1. register/re-register the building, 2. Pay outstanding fees, 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. In addition to meeting all 6(six) of these requirements a Category 3 vacant building must obtain a Certificate of Occupancy or a Certificate of Code Compliance prior to the sale of the building.

If you have any questions you can call me at the number below.

PROPERTIES THAT ARE SUSPECTED TO BE ILLEGALLY OCCUPIED ARE SUBJECT TO INSPECTIONS AT ANY HOUR OF THE DAY OR NIGHT.

Sincerely,

Dennis Senty

651-266-1930

Vacant Buildings Code Enforcement Officer



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

August 02, 2012

Tcf National Bank
801 Marquette Ave
Minneapolis MN 55402-3475

VACANT BUILDING REGISTRATION NOTICE

The premises at **670 SMITH AVE S**

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 September 02, 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.

**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, Dennis Senty,
at 651-266-1930 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, Dennis Senty, at 651-266-1930.

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: ds
vb_registration_notice 06/10

Copies of this letter have been sent to:
Michael Olsen 659 Bielenberg Drive Woodbury MN 55125



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

July 31, 2012

TCF BANK
C/O JOHN NELSON
801 MARQUETTE AVE
MINNEAPOLIS MN 55402

Related file

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

RE: 670 SMITH AVE S
Ref. # 117909

Dear Property Representative:

Your building was inspected on July 26, 2012.

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 re-inspection will be made on or after October 29, 2012.

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. Basement - Ceiling - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Replace damaged basement ceiling covers.

2. Basement - Ceiling Junction Box - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.-Missing cover plate in basement ceiling junction box.
3. Basement - Floor - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Remove water from basement floor.
4. Basement - Water Heater and Furnace - UMC 104 - Correct and maintain any changes made to the original system in compliance with the mechanical code to prevent unsafe, unhealthy or overloaded conditions. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair or replace water heater and furnace. Copper stolen from both appliances.
5. Exterior - South Basement Window Frame - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window frame.-Repair or replace damaged or broken south basement window frames. Scrape and paint frames.
6. Exterior - Storage - MSFC 304.1 - Remove excessive combustible storage and/or vegetation from exterior property areas.-Remove wood pile from back yard.
7. Garage - 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.-Repair or replace damaged or deteriorated siding. Repair and seal foundation walls around garage. Scrape and paint garage.
8. Interior - Throughout - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.-Copper stripped from interior house. Water turned off.
9. Kitchen Sink - Floorboard - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the cabinets in an approved manner.-Replace deteriorated floorboard underneath kitchen sink.
10. 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.
11. 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 the original orders.

If you have any questions, email me at: sean.westenhofer@ci.stpaul.mn.us or call me at 651-266-8982 between 7:30 a.m. - 9:00 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

Sean Westenhofer
Fire Inspector
Ref. # 117909

cc: Housing Resource Center
Force Unit