

Kuebler, David (CI-StPaul)

From: Vasquez, Terri (CI-StPaul)
Sent: Thursday, June 19, 2014 1:24 PM
To: Kuebler, David (CI-StPaul)
Subject: FW: encroachment application
Attachments: letter, site plan and two photos.pdf

1776 Yorkshire Ave.

Terri Vasquez
Public Works Technician II
ROW Management Section
Saint Paul Public Works
(651) 266-6128

From: Gennady Lyubeznik [<mailto:gennady@umn.edu>]
Sent: Thursday, June 19, 2014 12:31 PM
To: Vasquez, Terri (CI-StPaul)
Subject: encroachment application

Dear Ms. Vasquez,

This is our encroachment application:

Please acknowledge that you have received it.

Thank you.

Gennady Lyubeznik.

17 June 2014

Ms. Terry Vasquez
St. Paul Public Works
1000 City Hall Annex
25 W. 4th Street
St. Paul, MN 55112

Dear Ms. Vasquez,

We, Gennady and Vera Lyubeznik, live in our private home at 1776 Yorkshire Avenue, Saint Paul, MN 55116. We have an annoying problem with the drainage from our sump pump. The water runs from our front yard onto the public sidewalk. This problem is especially annoying for our immediate neighbors who live downhill from us. Because Yorkshire Avenue is sloped, the water from our sump pump runs onto their part of the sidewalk. Every year in late spring and early summer the sidewalk looks like a riverbed because the drainage is so frequent and voluminous. It hardly ever dries up, even on very sunny days. The rest of the year there is no discharge from our sump pump.

We would like to extend the pipe underneath the public sidewalk and then through a hole in the curb to allow for drainage directly onto the street. We are requesting a permit to do this.

According to Chapter 134, Section 134.01, of the City of St. Paul Code of Ordinances, the purpose of encroachments is "[t]o allow use of public right-of-way by adjacent property owners for purposes that cannot be reasonably satisfied on private property". We believe our case fits this description. We have searched for ways to solve this problem on our private property and have not been able to find a reasonable solution.

One obvious thing to do would be to let the sump pump drain into our back yard. Yet this cannot be done because there is no alley in the back, so the water would then run onto our neighbors' back yard (because Yorkshire Avenue is sloped) posing a threat to their property. In fact when our house was built in 2003 we were ordered by the City of Saint Paul to have our sump pump drain in our front rather than our back yard precisely in order to protect our neighbors' property.

We are grateful to Mr. Steve Wagner, the Manager of Code Enforcement, and Mr. Wes Saunders-Pearce, the Water Resource Coordinator in the Department of Safety and Inspections, who have helped us to understand what our other options might be. Mr. Wagner in a phone conversation suggested a dry sump, i.e. a hole in the ground filled with rocks where the drainage would go. But Mr. Saunders-Pearce came out to inspect our property on June 16 this year and expressed the opinion that given the frequency and the amount of the discharge, a dry sump would be unlikely to solve our problem. It would fill up quickly and then the water would still run onto the sidewalk. The drainage from our sump pump is just too frequent and too voluminous to allow for the water in the dry sump to soak into the ground and make room for the next discharge.

Moving the place of drainage farther away from the sidewalk is impractical because a tree is in the way. Besides, our front yard is sloped toward the sidewalk, so even if it were possible to move the place of drainage farther away from the sidewalk, the water would still run onto the sidewalk.

We have included two photographs with this application for illustration.

Given all these considerations, Mr. Saunders-Pearce told us that he cannot see any reasonable way to contain the discharge from the sump pump on our private property. To extend the pipe underneath the public sidewalk and through a hole in the curb to allow for discharge onto the street seems to be the only reasonable solution.

Accordingly, both Mr. Wagner and Mr. Saunders-Pearce have encouraged us to reapply for an encroachment permit. Last year we did not include with our application an explanation that there doesn't exist a reasonable way to contain the discharge on our private property. This time, following the advice of Mr. Saunders-Pearce, we have included such an explanation.

We sincerely hope that this time around our application would be approved and we could finally put this very annoying problem behind us. We are tired of this issue and are very eager to see it resolved.

Thank you.



Gennady and Vera Lyubeznik
1776 Yorkshire Avenue
Saint Paul, MN 55116.

Site plan for encroachment

Our house
1776 Yorkshire Avenue

current
drainage place

current
pump pipe

Our
front
yard

sidewalk

grassy strip

curb

Yorkshire
Avenue

North
↓

proposed
drainage place





