



APPLICATION FOR APPEAL

Saint Paul City Clerk

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

RECEIVED

SEP 29 2011

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, 10-18-11

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

mailed 9-29-11

Address Being Appealed:

Number & Street: 1130 Jessie St. City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Paul J. Benassi Email _____

Phone Numbers: Business _____ Residence 651-486-0211 Cell _____

Signature: Paul J. Benassi Date: 28, Sept. 2011

Name of Owner (if other than Appellant): _____

Address (if not Appellant's): _____

Phone Numbers: Business _____ Residence 651-486-0211 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 see attached letter
- Vacant Building Registration _____
- Other _____

Application for Appeal
1130 Jessie Street, Saint Paul
September 28, 2011

We wish to appeal item 6 on the attached Correction Notice document. This property has been removed from public use since January 2006. We notified the fire marshal at that time of the change of use to a single family private residence. And every year thereafter we have confirmed that the property continues to be used by the owner as a single family private residence. Now 6 years later they refuse to accept the property is being used as a private residence by the owner. In July they demanded access and threatened fines if they were not allowed into this private property. We believe this is a violation of our constitutional rights as well as Saint Paul, Minnesota, Code of Ordinances, Chapter 40, Exception of owner occupied buildings, (Section 40.02). The fire marshal has verified that the property is occupied by the owner's daughter and sometimes by the owner. Attached is a copy of our most recent notification affirming private use to the fire marshal's office. Also I am including a letter dated August 31, 2011 from the fire marshal's office acknowledging the owners daughter lives there. We recently became aware that the property qualifies to be homesteaded in this circumstance so we have done that.

Even though we feel the other items on the list are sited solely to apply pressure on us for the purpose to allow the fire marshal access into a private residence and continue to collect fees, we will correct those items. In fact item 3 has been completed. And a wind damage claim for the roof (item 4) and fascia covering the unpainted wood (item 1) had previously been turned into our insurance company and is scheduled for repair. Any other minor paint touchups required will be addressed along with the other items.

We believe the fire marshal's office has put their budget shortfall ahead of the needs of Saint Paul's citizens. We are all struggling in this economy. One of the owners has been unemployed for two years, another's work schedule has been reduced to 1-1/2 days a week and my daughters work schedule has been reduced to 1 day a week due to lack of work by the companies that employed them. This property is not and has never been at risk. All taxes, utilities and monthly expenses have been kept current since we purchased this property in 1981. There have never been any complaints concerning this property during our ownership. We have actively participated in crime watch with police calling several times to report drug activity in the neighborhood. We have also assisted neighbors with snow removal on the public sidewalks. The fire departments action is putting an undue strain on limited resources of the owners and occupants at time when they are least able to afford it. We believe there is no reason for the city to take this action other than to augment the city fire department's budget shortfall.

Please remove item 6 and allow us the flexibility to make the repairs on a timely schedule as we can afford them.

Thank you,



Paul Benassi

September 14, 2011

Paul Benassi
1130 Jessie Street
Saint Paul, MN 55130-3720

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

Dear Ms. Shaff,

Thank you for providing the Saint Paul Minnesota Code of Ordinances, Chapter 40. I note that this legislation is for commercial properties and not private homes. We have informed your office on several occasions, both in writing and verbally that this property is utilized 100% as a single family private home by the owner and it is not being used as a dwelling to be rented, leased, let or hired out.

After reviewing the passages you highlighted, it occurs to me that you may misunderstand the reasons that legislation must state the limitations to its use. The purpose is to insure that enforcement agencies do not interpret the law too broadly. The document you sent is careful to insure that it is written to cover only the portions of commercial properties that are not occupied by the owner. Your investigation confirms that the property is being used solely as a single family private home by the owner.

Sincerely,

Paul Benassi

CC: Ricardo X. Cervantes, Director of Safety and Inspections
Philip Owens, Assistant Fire Marshal



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

August 31, 2011

Paul Benassi
1130 Jessie St.
St. Paul, MN 55130-3720

Re: 1130 Jessie St.

Dear Mr. Benassi,

I am responding to your letter dated August 25th on behalf of Director Cervantes.

Saint Paul, Minnesota, Code of Ordinances, Chapter 40 spells out the authority and requirements for the Fire Certificate of Occupancy. It requires that all existing buildings have and maintain a Fire Certificate of Occupancy (Sec. 40.01) with the exception of owner-occupied single family houses, owner-occupied duplexes, and owner-occupied condominium units (Sec. 40.02). Owner-occupied is defined as: *Residential dwellings which are the principal residence of the owner of the building and in which the owner resides* (Sec. 40.03).

Ramsey County property tax records indicate there are four owners of 1130 Jessie Street: Paul, Lorelee, Pamela, and David Benassi. They send the property tax statement to David F and Pamela H Benassi at: 975 Kohlman Ln, Maplewood, MN. Saint Paul Regional Water and Xcel bill you at that same address, and Minnesota Department of Public Safety – Driver and Vehicle Services also lists your address at 975 Kohlman Lane. On further investigation, we have been informed that it is your Daughter Erin residing at 1130 Jessie St. Unfortunately; she is not on the list of recorded owners.

I have enclosed a copy of Chapter 40 per your request. I'm sure you will see that 1130 Jessie St meets the requirement for having a Fire Certificate of Occupancy. Should you disagree with the requirement, you have the right to appeal 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. If you have any questions, email me at: leanna.shaff@ci.stpaul.mn.us or call me at 651-266-8980.

Sincerely,

Leanna Shaff
Residential Fire Inspection Supervisor

CC: Ricardo X. Cervantes, Director of Safety and Inspections
Philip Owens, Assistant Fire Marshal



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989
Saint Paul, MN 55101-1806 Fax: 651-266-8951

September 19, 2011

PAUL BENASSI
LORELEE BENASSI
975 KOHLMAN LN
MAPLEWOOD MN 55109-1028

CORRECTION NOTICE -

RE: 1130 JESSIE ST
Ref. # 107244

Dear Property Representative:

An inspection was made of your building on September 19, 2011 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately.

A reinspection will be made on October 26, 2011 at 9 :30 am.

Failure to comply may result in a criminal citation or revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. Front and North side - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Siding missing and damaged.
2. Front porch - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Windows broken and missing.
3. Rear - SPLC 163.03, 163.01 (2), (3) - Currently license (tabs) all vehicles on the property and return the vehicles to an operative mechanical condition or remove vehicles from the property.-Red Ford 351 AUT JUN - 10
4. South side porch - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
5. SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
6. SPLC 34.19 - Provide access to the inspector to all areas of the building.

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: mike.cassidy@ci.stpaul.mn.us or call me at 651-266-8984 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Mike Cassidy
Fire Inspector

Ref. # 107244



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

September 19, 2011

PAUL BENASSI
LORELEE BENASSI
975 KOHLMAN LN
MAPLEWOOD MN 55109-1028

INSPECTION APPOINTMENT

Dear Property Owner:

An inspection of your property has been scheduled as follows:

Address:	1130 JESSIE ST	Units:	2
Date:	<u>October 26, 2011</u>	Time:	<u>9:30 am</u>
Inspector:	Mike Cassidy	Phone:	651-266-8984
		Email:	mike.cassidy@ci.stpaul.mn.us

You or your responsible representative is requested to meet the inspector at the front of the building to admit and accompany the inspector throughout the building, including each rental unit. It is the responsibility of the owner to notify the tenants at least 24 hours in advance that an inspection will be done. Please have keys available to all units and common areas.

Saint Paul Legislative Code authorizes this inspection and the collection of inspection fees. It is a criminal misdemeanor violation should you not permit this inspection by failing to appear for this appointment without rescheduling with the inspector. In addition, a **No Entry Fee of \$60.00** may be assessed to the Renewal Fee whenever the owner or responsible representative needs to re-schedule the appointment but fails to notify the inspector, **in writing**, by 8:00 a.m. on the date of the inspection.

If you no longer own this building, contact the inspector immediately between 7:30 - 9:00 a.m., Monday through Friday.

FOR CONDOS:

The interior of owner-occupied dwelling units are **exempt** from this inspection. In condominium buildings, only *rental* units, the common areas, and utility area will be inspected.

FOR APARTMENTS AND DWELLINGS:

A **Smoke Detector Affidavit** and an **Existing Fuel Burning Equipment Safety Test report** **must be completed at the time of inspection**. For these forms, fee schedules, information and other inspection handouts, please visit our web page at: <http://www.stpaul.gov/cofo>

Thank you for your co-operation.