



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

MAY 23 2018

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

## 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

<p><b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>June 5, 2018</u></p> <p>Time <u>2:30 p.m.</u></p> <p>Location of Hearing: Room 330 City Hall/Courthouse</p>
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## Address Being Appealed:

Number & Street: 1520/1522 Albemarle City: St Paul State: MN Zip: 55117

Appellant/Applicant: Phrasenah Phitaksathue / Stephanie Cadwell Email: phit0001@gmail.com

Phone Numbers: Business 925-588-8253 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: [Handwritten Signature] Date: 5/1/18

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

Mailing Address if Not Appellant's: 2355 Fenwick Avenue #236 Roxville, MN 55113

Phone Numbers: Business 925-588-8253 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:

I requested additional time from the City to resolve issues on numerous occasions and received no response. The most recent request is attached. Since that letter was written, the following items have been repaired/addressed:

- Garbage removed
- Sidewalk removed
- Stairs removed, permit to rebuild stairs pulled
- Front stairs fixed
- Dryer ducts replaced / permit pulled
- AC Permit issue resolved
- Screens fixed / replaced

April 11, 2018

Ricardo Cervantes, Director  
DEPARTMENT OF SAFETY AND INSPECTIONS  
Fire Inspection Division  
375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Dear Mr. Cervantes,

This letter is in response to the March letter from the City of Saint Paul regarding my property at 1520/1522 Albemarle Street Saint Paul, MN 55130. First off, I would like to clarify that I intend to address all of the items the city has noted (although I believe many of the items are overly harsh and punitive). I have owned the property for nine years and I have always addressed any item the City of Saint Paul has brought to my attention. Keeping my property in good condition and safe is a top priority for me.

**Given the nature of some of the items listed and the changing expectations of the city, I would like to request an additional 60 days to address the items.** During the initial inspection in January 2018, I advised the inspector in an email that the outdoor items could not be addressed until the spring. He emailed me back and indicated that he was not worried about the exterior items (since he knew that they could not be addressed in the winter) but that he was primarily concerned about the interior items. **If he would have advised that my occupancy certificate would be revoked if I didn't have the exterior items completed by the end of April, I would have invoked my right to appeal at that time as it was not feasible, which is why I brought my concern to his attention immediately.** All of the interior items from the original list have been addressed (although the inspector incorrectly has left one item on the list, the handrail issue). However, in subsequent inspections the inspector noted several new items, which I am working to pull permits and address.

Before the majority of the items can be addressed (cracked sidewalk, painting wood, etc.), the back staircase needs to be replaced. The issues with the back stair case are attributable to a major settling issue at the back of the property and a construction design flaw with the stairs when the property was first built (not negligence on my part). As you can see from Category 2 inspection when I first purchased the property, I have previously repaired the stairs and had the city's approval. Unfortunately, over the winter, there was additional shifting and I had multiple contractors come and bid on the project and all advised that the project should not be started until late April or May to ensure the temperatures were warm enough that the settling issue could be fully addressed. I have engaged a contractor to do the work, but he anticipates it could take 4-6 weeks with a projected start date of early May and depending on the settling issue the construction timeline could increase. Although the inspector did not note this in his letter, after the original inspection, I did have my contractor repair the staircase and reinforce it to make it as safe as possible until the staircase could be replaced.

As I advised the inspector, I have given notice to my tenants and they will be moving out on 4/30/2018. I plan to move into the property and live there as my primary residence until I am in a position to sell the property. Obviously, all of these requirements the city is placing on me is causing me a significant financial hardship. I would like to be able to live in my property, as I do not think it is dangerous or at a level where the occupancy certificate should be revoked. I do not need to use the back staircase, even in an emergency I could easily just jump out a window if I could not access the front stairs for some reason. Outside of the staircase, the majority of the other items listed (cracked sidewalk, unfinished wood on the exterior of the property, dryer ducts, and air conditioning units) have been that way since I purchased the property in 2009 and have been approved by the city during multiple inspections including the original occupancy inspection. So I do not believe that I should not have the right to live at my property because the city has changed their requirements and provided me minimal time to address major items they have only recently decided to require.

- The inspection notes that there is not a permit for the air conditioning units. However, the air conditioning systems were installed during the original construction of the home and if a permit was required, the city should have required the builder to get this permit. The same air conditioning systems were in place when I obtained the original occupancy certificate and on subsequent city inspections. I question why all of a sudden this has become an issue because I don't believe all of the previous inspectors including the original inspector would miss something that major. **I encourage the city to investigate this issue further to ensure that no foul play occurred.** Requiring me to pull an after the fact permit is both a new requirement and difficult since I do not know what company installed the air conditioning systems. I have been working to address this but so far I have not been able to find a company willing to pull a permit for work they did not do (meanwhile the air conditioning units continue to work just fine and have been serviced numerous times with no issue). I have been advised when I occupy the property as my primary residence, I will be allowed to pull the permit myself, which I will do as soon as I occupy the property.
- The inspection notes that the duct work for the dryers is incorrect for both units and is requiring they be replaced. Again, the duct work is the original duct work that was there when the property was built. The same duct work was in place when I obtained the original occupancy certificate and on subsequent city inspections. I have found a contractor to pull a permit and install these ducts in both units; however, it was a lengthy and expensive process as the contractors advised me that for this type of work permits are rarely required. It may take another 4-6 weeks to get the duct work repaired and get through the permitting process. It should be noted that the inspector did not note this on the original inspection and I believe decided to note it on subsequent inspection out of retaliation.
- The inspection notes the sidewalk is cracked. The sidewalk has been cracked since I purchased the property in 2009. The sidewalk was cracked when the original occupancy certificate was completed and during subsequent inspections. I am willing to replace the sidewalk but I have to remove the existing staircase that sits on the concrete before I can replace the concrete; therefore, additional time is needed.

- Several of the wood areas outside the house have never been painted. This was true in 2009 when I purchased the property and obtained the occupancy certificate and has been true in all subsequent inspections. I am willing to paint everything but I think it would be appropriate to do that after the staircase is replaced.

**The second thing I would like to request is that a new inspector be assigned for future inspections.**

From the beginning, there were numerous issues with the inspector. He did not return phone calls or emails when I needed to change the inspection dates (instead he would just show up at the property) or provide appropriate guidance/clarity for issues found. He has screamed at myself, my parents, and my tenants and been unprofessional throughout our interactions. His tone and findings have been, at times, emotional and incorrect. I believe he is trying to make a name for himself at my expense. For example, he indicated that there was fire damage to the property (which sounds very concerning); however, there has never been a fire at the property it is just cooking grease that the tenant poured out the window that is sticking to the siding. Unfortunately, since it was the dead of winter I was unable to scrub the siding off. He also indicated that the screens have holes in it (this was corrected months ago) and indicated there was an issue with the handrail (there never was). Each time I would try to discuss items with the inspector; he would advise that I could appeal any of the findings. I think it is very unfortunate that after all the years I owned the property that instead of working with me to resolve these issues, I am being asked to appeal findings. I do believe I am being treated this way due to my race and that I am being held to a different standard than my white neighbors. I deserve to be treated fairly with the same inspection criteria as my white neighbors.

Please let me know the status of my requests as soon as possible. I hope your office can be realistic with the timeframes given the changing expectations and that I have made substantial efforts to address the city's concerns. I also hope I can have an inspector that treats me with the respect and fairness as a tax payer I deserve.

Best regards,

Phonsavanh Phithaksounthone

2355 Fairview AVE #236  
Roseville, MN 55113

cc: Mayor Chris Coleman



CITY OF SAINT PAUL

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

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

May 03, 2018

Phonsavanh Phithaksounthone  
2355 Fairview Ave N  
Roseville MN 55113- 2724

## VACANT BUILDING REGISTRATION NOTICE

The premises at **1520 ALBEMARLE ST** 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 by law to register this building with the Department of Safety and Inspections, Vacant Building 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 **\$2,127.00**. 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 June 03, 2018 .**

### **Do Not Mail Cash**

If you wish to pay in person, you may do so from 8:00am to 4:00pm 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 City Clerk's Office by calling (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 , Mike Kalis, at 651- 266- 1929 to find out what must be done before this building can be legally reoccupied.**

The Enforcement Officer may declare this building 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 Office 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 District Inspector, Mike Kalis, at 651- 266- 1929.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Steve Magner  
Vacant Buildings Program Manager

Enclosures: Regulations Requirements Information  
Vacant Building Registration Form

SM: mk  
vb\_registration\_notice 11/14



CITY OF SAINT PAUL

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

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

March 29, 2018

Phonsavanh Phithaksounthone  
2355 Fairview Ave N  
Roseville MN 55113-2724

## **Revocation of Fire Certificate of Occupancy and Order to Vacate**

RE: 1520 ALBEMARLE ST  
Ref. # 118557

Dear Property Representative:

Your building was inspected on March 29, 2018, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

**A reinspection will be made on April 30, 2018 at 10:00 AM or the property vacated.**

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

### DEFICIENCY LIST

1. Exterior - Back of Property - SPLC 34.08 (1), 34.32 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces. -There is trash and other debris at the back of the property.
2. Exterior - Back of Property - SPLC 34.08 (10) - Repair, replace and maintain exterior sidewalks, walkways and stairs. -The sidewalk at the back of the property has buckled and is no longer level.
3. Exterior - Back of Property - SPLC 34.09 (1)(2), 34.33 (1) - 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. -Repair the section of the wall at the back of the property that appears to have smoke/fire damage.

4. Exterior - Stairs - SPLC 34.09 (3), 34.33(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-8989.-The back-exterior stairs are in disrepair. There is loose and broken boards, rails and other components, the middle landing sinks in when stepped on and has a slight lean to it. The front stairs have broken treads and cracks on the stringers and the stairs is not properly aligned. **IMMEDIATELY REPAIRS THE STAIRS AND DISCONTINUE USING THE BACK STAIRS UNTIL REPAIR.**
5. Interior - Stairs - SPLC 34.10 (3), 34.34(2) - Repair or replace the damaged handrail in an approved manner. -The return piece for the common area hallway is missing and there are nails sticking out.
6. Unit 1 - Utility Room - MSFC 605.1 - Repair or replace damaged electrical appliance wiring. This work may require a permit(s). Call DSI at (651) 266-8989. **-(NEW 3/29/18) The sheathing for the power cord to the laundry machine dryer has come loose and is exposing the inside wires.**
7. Unit 1 - Entry Door - SPLC 34.33 (3) - Repair and maintain the door in good condition. - Unit 1 -The latch for the front entry door is missing.
8. Unit 1 & 2 - Utility Room - MMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work requires a permit(s). Call DSI at (651) 266-8989.-**The dryer exhaust ducts for both apartments are of the incorrect type and must be replace and done by a licensed contractor under permit.**
9. MSBC -Section 105.1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Work being done requires a permit. **A permit is required for the installation of the air conditioners behind the building. There is no permit on file and the connections to the air conditioners are not well maintained. For more information about permits, please contact DSI at 651-266-8989.**
10. 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: (651-266-8585) and must be filed within 10 days of the date of this order.



If you have any questions, email me at: [Efrayn.Franquiz@ci.stpaul.mn.us](mailto:Efrayn.Franquiz@ci.stpaul.mn.us) or call me at 651-266-8955 between 7:30 - 9:30 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Efrayn Franquiz  
Fire Inspector

Ref. # 118557