



APPLICATION FOR APPEAL

Saint Paul City Clerk

RECEIVED 310 City Hall, 15 W. Kellogg Blvd.

JAN 17 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, 1-24-12

Time 11:30 a.m.

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 773 White Bear Ave N City: St Paul State: MN Zip: 55106

Appellant/Applicant: Diana K. Turner Email: diana@steps2forgiveness.com

Phone Numbers: Business _____ Residence _____ Cell 651-208-0362

Signature: *Diana K Turner* Date: 1/17/12

Name of Owner (if other than Appellant): _____

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
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

I believe there is a misunderstanding of Chapter 45 as it relates to Urban Farming Homesteads.



324

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
DIVISION OF CODE ENFORCEMENT
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

January 04, 2012

11 - 272180

SUMMARY ABATEMENT ORDER

Yog hais tias koj hais lus Hmoob thiab koj 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.

Diana Turner
773 White Bear Ave N
Saint Paul MN 55106-4315

As owner or person(s) responsible for: **773 WHITE BEAR AVE N** you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

Remove improperly stored or accumulated refuse including: garbage, rubbish, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas. Also all miscellaneous debris under tarp!

Cut and remove tall grass, weeds and rank plant growth.

Remove and properly dispose of all animal feces from yard areas.

IMMEDIATELY secure all buildings which are open to unauthorized entry, including:

Other:

If you do not correct the nuisance or file an appeal before **January 18, 2012**, the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment 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 \$260.00 per hour plus expenses for abatement.

You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times

FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION

Issued by: Jack Reardon Badge Number 324 Phone Number 651-266-1913

If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Appeals: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal 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, St. Paul, MN 55102. The telephone number is (651) 266-8688. You must submit a copy of this Correction Order with your appeal application.

***WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within such 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

St. Paul City Clerk
310 City Hall, 15 W. Kellogg Blvd.
St. Paul, Mn 55102

January 17, 2012

Re: Application for Appeal of Summary Abatement Order

Dear Marsha Moorman,

I am appealing this Summary Abatement Order for the following reasons. I am a new Urban Farmer and Urban Farming Youth leader to the Eastside Community. I have been a part of the Food and Nutrition Task force as a participant on the Urban Farming Committee and continue to follow the progression of the document being developed by those involved. I built social capital with constituencies and stakeholders that want to see Urban Farming thrive within Ramsey County and the City of St. Paul. I am appealing to those constituencies to consider my situation seriously as a case study in what other Urban Farming residents of St. Paul will experience when a complaint is registered for stored equipment and supplies necessary for growing food stored on Urban Farming homesteads.

I feel the words used by the inspector to describe my current situation are not accurate and misleading. I have read Chapter 45 of the Municipal Code and feel the interpretation of the Safety Inspections Department's past guidelines to judge any violation of those requirements is unfair and inaccurate. It seems that in order for Inspectors to comply with requirements of their job, they should be given some leeway in dealing with Urban Farms and a more generous definition of "accumulated refuse".

I suggest that what could be considered garbage, rubbish, discarded furniture, scrap wood and metal, recycling and building materials, rubble and misc debris all have a purpose and function as tools, supplies and equipment for an Urban Homestead. The real question is how to contain those supplies in a non-hazardous manner with in the zoning codes.

The other descriptors on my Abatement order I do not have and can verify through pictures that appliances, vehicle parts, tires and brush are not on my property. I do not store garbage or rubbish but would agree that the black garbage bags holding the milk jugs used as mini greenhouses in the spring could be misconstrued as garbage. The pile of cardboard I have collected in one place also could be misinterpreted as rubbish but are necessary in converting sod into usable garden space over time. I couldn't get the project I started finished before the freeze of the woodchip pile used over the cardboard.

I will concede of removing the pile of cardboard, as it's easily replaced, yet I loathe having to remove it as its perfectly usable for its intended purpose and it took man hours to collect it and store it.

What I have under my tarps to protect from inclement weather particularly from icy snow that we have been having and will undoubtedly yet experience are; a) a woodchip pile that I would prefer not to decompose quickly, b) stacked and orderly empty beehive supers, covers, and bases that comprise my offsite Apiary, c) containers of clay pots for transplanting, and buckets of formulations of dirt used in seed starting, transplanting and

for container gardens, and d) plant stakes, and border fencing that needs protection from winter snows.

The larger area in question, which I would like to offer a compromise that may meet the need for inspections to contain unsightly equipment, consists of plastic flats used in starting seed, transplant pots, various sized containers holding soil, perlite, peat moss and other means of container gardening including clay pots which must be emptied each winter to prevent cracking and other gardening tools and equipment that will not fit into my tiny detached garage. The furniture referred to in the abatement description is one head and base board that is a trellis for my raised garden beds to hold up heavy vining plants such as squash, melons and cucumbers. I have a small plastic sled designed to haul beehives through the grass and snow that is cumbersome to store. The scrap metal I have are poles used for trellising other vining crops and wire cages used in holding up large and heavy tomato vines. I have bags of stone that could be considered rubble is used for drainage in container gardening and landscaping. I have a mini plastic pond that needs to go into the ground as soon as soil can be dug as well as chicken feeding equipment that will be used once I have enough funds to complete my chicken coop and fenced in exercise area.

Another consideration I could do for the winter, as I can not work on the chicken coop until the spring, is to cover the too small exercise area that came with the coop and store the containers of soil and pots under the wire and cover with plastic to minimize the unsightliness of those items. I didn't do that because I didn't want to create a hidey hole for vermin. Having most of my equipment not under a canopy, exposed to the elements I feel has prevented any squirrels, mice, voles or potential rats to invade those spaces. There is no evidence of any such activity, no excrement, footprints or nesting material.

There was a pile of brush meant for burning and we have now burned the unwieldy items and there only remain a small pile of stacked wood and logs for the next burning. I have a request to keep in place a series of black plastic pots in rows along the back retaining wall of my property filled with amended soil as season extension ready for the first thaw to grow cold weather crops that the frozen ground would not bear. They are free from any debris and neatly placed out of sight lines from the street. My compost pile is contained according to code and there are an open bag of leaves and a small remaining pile of hay that I use in the layered method of composting, so as soon as the weather warms up, my pile will start heating up fast and produce soil quicker than a pit or static method of composting household food waste.

I am also storing stone and concrete pavers for new landscaping projects to be worked on as soon as the weather permits. Most of these items could fit under a canopy that would have tarped sides to hide the unsightly material. All the above equipment and supplies are on stone pavers or wooden pallets and shelved in such a way to have easy access to materials as they are needed throughout the growing season. I don't see how any of these items present a potential hazard to humans or property. I have the good fortune of having a long driveway and huge yard areas. The bulk of the items in question are at the end of my drive way in front of a single garage and the rest is in the back of my house and on the side of the garage without visual sight from the main street and neatly placed appropriately for future use around the Urban Homestead. The small garage is filled with gifted furniture from my Uncle's recent move into an assisted living facility and other yard equipment, lawn mower, tools, bicycles and such. I need to use my yard to house items in questions. I do not

have the funds to rent a storage facility and pay enough in taxes and mortgage to utilize my generous yard areas.

I believe the inspector has pictures to help explain the different areas under question. I will be providing a comprehensive explanation at the time of the hearing I am requesting.

I also have an on going dialogue with my immediate neighbor giving me permission to store some of the items on the adjoining property. He has been remodeling the empty building since I moved in a year ago last August and has asked me to keep the area tidy. The new tenants of the property have no problem with the current arrangement. I have included a recent communication with the property owner for your review. I intend to have a letter of support from him by the time of the hearing.

I will also have support from other Urban Farmers expressing their concern at the putative measures this current abatement would put on the future of my Urban Farming success as a micro-entrepreneur and Youth Urban Farming leader within the community and city at large. I can not afford to be charged \$260 an hour to have these items removed. I need more time to find alternative measures of storage as well as cooperating weather. What affects me could also affect other aspiring farmers and we need to have new agreements and understandings on how to create win-win situations for all stakeholders in situations like mine. I am asking for guidance/assistance from my Ward 2, Council Lantry's office, Dist #2 Council, as I am a board member, and from representatives on the Ramsey County Food and Nutrition Committee as well as other neighbors.

Thank you for this appeal process. I look forward to finding a workable solution on all sides. Please don't hesitate to call me with any questions or concerns.

Sincerely,

Diana Turner
773 White Bear Avenue North
St. Paul, Mn 55106
651.208.0362