



# APPLICATION FOR APPEAL

**Saint Paul City Clerk**

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

RECEIVED

NOV 8 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:**  
*I'm in Hawaii - Can I send my property manager?*  
 Tuesday, NOV-22, 2011

Time 3:00 p.m.

**Location of Hearing:**  
 Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 959 Burr St. City: St. Paul State: MN Zip: \_\_\_\_\_

Appellant/Applicant: Michael Simms Email MSIMMS60910@yahoo.com  
*\* you're 6 HRS. AHEAD, SO ANY TIME AFTER NOON (12 P.M.) IS GOOD.*

Phone Numbers: Business 808-315-8823 Residence \_\_\_\_\_ Cell 808-989-9199

Signature: [Signature] Date: 10-31-11

Name of Owner (if other than Appellant): Tahoe Holdings US LLC

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

Appealing for Sence Height Variance  
Please see attached letter.

Address on check: 77-198 malikost, Kailua Kona, HI 96740

10/31/2011



**Tahoe Holdings US LLC  
77-198 Maliko St.  
Kailua Kona, Hawaii 96740**

City of St. Paul:

Gentlepersons:

We are requesting a variance to allow the existing fence to remain at our property located at 959 Burr St. in St. Paul.

This fence was erected for the safety and protection of our tenants due to the intimidation and intrusion of the local thugs selling drugs right out in the open on the corner. For years, these people trespassed on our property and walked up to the front porch or in the back door to the basement to do drug deals or smoke crack. We've made repeated and concerted efforts to contact local police to help us to no avail. Recently, we have made contact with the East St. Paul police force to try to help us again. We also installed a high efficiency 700 lines of resolution camera surveillance system that we've offered to share footage of the drug deals and nonsense happening on a day-to-day basis with law enforcement. We've witnessed as many as 30 drug deals in a two hour period right on the corner in broad daylight.

We've also been deluged from the City with fines (at \$75.00 a pop) for trash littering by these same people who put their garbage in our bins and throw all papers from items purchased from the local convenience store in the street and over our fence. In our minds, the store should bear the brunt of those fines as they cause them, or the people who throw it, but not us. We should not be responsible for how the wind blows.

The latest problem from the City involves writing us up for a non-conforming fence height. We absolutely need this fence to protect the people who live at our property. It's the only barrier that helps. When we had the fence at 3 feet, these guys just stepped over it and helped themselves to hanging out on our steps, doing drug deals and intimidating the people who lived there. On several occasions, they've threatened our contractor who was performing repairs at the property, stating that this was "their corner, and nothing was going to change that." I don't think a bigger indictment of the City's inability to protect it's citizens exists in the country.

We are willing to do our part; we have a zero tolerance for drug use on the property, and any tenant who does it is and has been evicted. We'll share our camera surveillance and do anything we can to help the situation. But please let us have our fence. We need it.

We'd also appreciate some help in calling off the inspector who keeps insisting on writing us up for trash. We can't help it if they throw it in the street and it blows up against our property. If they'd just sit there for an hour or two like we did, they'd see these people throwing their trash in the street. Then they could write them up for littering.

We're asking for your help.

Sincerely,



Michael D. Simms, President Tahoe Holdings US LLC

**Tahoe Holdings US LLC Hawaii, Minneapolis/St. Paul/ British Columbia/Ontario,  
Canada**



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989  
Fax: 651-266-8951

October 31, 2011

Urban Int. - CO Bretta  
4542 NICOLLET AVE  
MINNEAPOLIS MN 55419

## INSPECTION APPOINTMENT RESCHEDULED PER OWNER REQUEST

Dear Property Owner:

An inspection of your property has been scheduled as follows:

<b>Address:</b>	959 BURR ST	<b>Units:</b>	4
<b>Date:</b>	November 23, 2011	<b>Time:</b>	10:45 am
<b>Inspector:</b>	Kelly Booker	<b>Phone:</b>	651-266-8985
		<b>Email:</b>	kelly.booker@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.



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 28, 2011

Urban Int. - CO Bretta  
4542 NICOLLET AVE  
MINNEAPOLIS MN 55419

## **CORRECTION NOTICE - COMPLAINT INSPECTION**

RE: 959 BURR ST  
Ref. # 17344

Dear Property Representative:

An inspection was made of your building on September 28, 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 or after October 17<sup>th</sup>, 2011.

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. EXTERIOR - SPLC 33.07 A BUILDING PERMIT IS REQUIRED FOR CONSTRUCTION OF A FENCE. ENCLOSED IS A COPY OF THE FENCE REQUIREMENT IN THE ST. PAUL LEGISLATIVE CODE. THE FENCE MUST MEETING BUILDING CODE AND ZONING CODE REQUIREMENTS. PLANS SHOULD BE REVIEWED PRIOR TO CONSTRUCTION. CALL PLAN EXAMINER WITH QUESTIONS 651-266-9007

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: [pat.fish@ci.stpaul.mn.us](mailto:pat.fish@ci.stpaul.mn.us) or call me at 651-266-8942 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,

Pat Fish



**CITY OF ST. PAUL**  
 DEPARTMENT OF SAFETY AND INSPECTIONS  
 375 JACKSON STREET, SUITE 220  
 ST. PAUL, MINNESOTA 55101-1808

**FENCE PERMIT APPLICATION**

Visit our Web Site at [www.stpaul.gov/dsl](http://www.stpaul.gov/dsl)

Number		Street Name		St. Ave. Blvd. Etc.		N S E W		Suite/Apt		Building Name		Date	
<b>PROJECT ADDRESS</b>													
Contractor <small>(Include Contact Person)</small>				Address City State, Zip+4 <small>(Permit will be mailed to the Contractor's Address)</small>						Phone			
Property Owner <small>(Include Contact Person)</small>				Address City State, Zip+4						Phone			
The Fence will be erected on property which is:		Type of Fence (Check all applicable boxes)								ESTIMATED VALUE OF PROJECT			
Commercial <input type="checkbox"/>		Non-Obscuring Fence (Chain Link, Rail, etc.) <input type="checkbox"/> 1		Privacy Fence (Obscuring) <input type="checkbox"/> 2		(For Barbed Wire Fences Only: A Certificate of Insurance is Required Call 651-266-9090 for Insurance Requirements)		Estimated Start Date:		Estimated Finish Date:		\$  \$	
Residential <input type="checkbox"/>		Barbed Wire Fence <input type="checkbox"/> 3		Enter # of Dwelling Units >> <input type="checkbox"/>				Estimated Start Date:		Estimated Finish Date:			
Fence Length: (Enter Total Lineal Feet)				Fence Height: Feet		Inches		Will the Fence be erected on a corner lot: Yes <input type="checkbox"/> No <input type="checkbox"/>					
Description of Project:													
Applicant certifies that all information is correct and that all pertinent state regulations and city ordinances will be complied with in performing the work for which this permit is issued.										SUMMARY OF FEES			
Applicant's Signature: _____ Date: _____													
For Office Use Only										Permit Fee		\$	
Zoning Remarks		(For Barbed Wire Fence Only)		Historical Preservation		Zoning District		Lot Size Width Depth		Plan Check Fee		\$	
		Certificate of Insurance		Property Usage		Reviewed By		Date		Total Permit Fee		\$	
		Required <input type="checkbox"/>		Required <input type="checkbox"/>						(For Office Use Only)			
Plan Review Remarks				Reviewed By		State Valuation		Plan Number		PERMIT #			
<input type="checkbox"/> American Express		<input type="checkbox"/> Discover		<input type="checkbox"/> MasterCard		<input type="checkbox"/> Visa		Expiration Date: Month/Year >>					
Enter Account Number >>													

Signature of Cardholder: \_\_\_\_\_



### **Fence Requirements (Sec. 33.07)**

**(a) Permit.** No person shall construct, or cause to be constructed, any fence in the City of Saint Paul without first obtaining a permit from the building official.

**(1) Fee.** \$37.00 for the first 200 lineal feet or fraction thereof erected and \$13.00 for each additional 100 lineal feet or fraction thereof.

**(2) Site Plan.** A site plan must be submitted showing the property lines, location, length, height and type of fence (wood, chain link, etc.) being installed. A survey may be needed if applicant can not locate property markers.

**(b) Height of fences.** No fence shall be erected exceeding six (6) feet six (6) inches in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes. The applicant shall ensure that fences and all supporting structures shall be completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected between the front property line and the front setback line as defined in section 60.207 of the Saint Paul Legislative Code shall be no more than four (4) feet in height. One a corner lot of two intersecting streets in a residential zoning district, no fence, wall or other structure shall be allowed above a height of two (2) feet from the sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than 80% open. Fences for nonresidential uses in residential zoning districts shall not exceed eight (8) feet in height, except fences around tennis courts, which shall not exceed twelve (12) feet in height, back stop fences, which shall not exceed twenty (20) feet in height, and golf range fences, which shall not exceed thirty (30) feet in height. The selvage end of chain link or metal fences shall be smooth; knuckled ends are permitted, twisted ends are not permitted.

**(c) Variances.** A variance of the fence height regulations may be granted if, after investigation by the building official, it is found that site, or terrain, or nuisance animal conditions warrant a waiver of the height restrictions. An application fee of seventy dollars (\$70.00) is required for each variance request.

**(d) Swimming pool fences.** All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use. Commercial and multi-family residential swimming pools require approval from the MN Dept. of Health (651)201-4500 or Steve Klemm (651)201-4503.

**(e) Barbed wire fences.** No barbed wire fence shall be constructed within the city limits of the City of Saint Paul, except for police and correction facilities, unless the following conditions are complied with:

(1) No fence which uses barbed wire may be built in, or abut, a residentially zoned district or built on or abut a lot occupied residentially.

(2) Barbed wire, not exceeding three (3) strands, may be permitted on the top of a fence; providing, that the arms do not project over public property. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.

(3) In all cases where a barbed wire fence is requested, an application shall be made to the building official.

(4) A certificate of insurance indemnifying the City of Saint Paul shall be submitted with the application subject to the approval of the city attorney as to form and in an amount as set forth in Minnesota Statutes, Section 466.04.

**(f) Electric fences.** No above ground electric fence shall be constructed within the city limits of the City of Saint Paul.

**(g) Fences in Historic Districts.** If a fence is proposed for a designated Historic Site or within a Historic District, there will be a review by the Heritage Preservation Commission (HPC) staff within the Department of Safety and Inspection (DSI) to ensure that the fence meets the Guidelines of the District. A site plan will be required (typical of all fences) and also an elevation drawing which will illustrate all the details of the fence, including height, general

*(See reverse for Inspection Procedure)*