



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED
JAN 13 2017
CITY CLERK

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

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>Feb 6</u>
Time <u>2:30</u>
Location of Hearing: Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 854 Edmund Ave City: St Paul State: MN Zip: 55104

Appellant/Applicant: John F Nieszner Chris Rueb (AAA) Email: ruebchris@yahoo.com

Phone Numbers: Business N/A Residence N/A Cell 651 295 5144

Signature: [Signature] Date: 1/13/17

Name of Owner (if other than Appellant): John F Nieszner

Mailing Address if Not Appellant's: 2254 Uivian Ln St Paul MN

Phone Numbers: Business N/A Residence N/A Cell 651 295 5144

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.)
- Appeal to waive \$2085.00 fee or other classification

Mail Received 1/11/17
Post Marked 1/10/17



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

December 30, 2016

John F Nieszner Trustee
854 Edmund Ave
Saint Paul MN 55104- 2730

Appeal

to waive

fee \$ 2085.00

VACANT BUILDING REGISTRATION NOTICE

The premises at **854 EDMUND AVE**

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 \$2,085.00. 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 January 30, 2017.

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 , Matt Dornfeld, at 651- 266- 1902 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, Matt Dornfeld, at 651- 266- 1902.

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: md
vb_registration_notice 11/14

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1006

1/12/17

NEOPOST

FIRST-CLASS MAIL

12/30/2016

US POSTAGE \$000.46⁵

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS



ZIP 55101
041M11278305

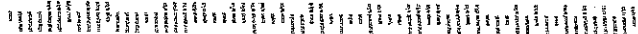
Jan 10, 2017

NOTIFY SENDER OF NEW ADDRESS 1/18/17
RECEIVED JOHN
NEVA KEVIN LN
SAINT PAUL MN 55116-8000

Post mark

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01 011010101010 1878-04770-30-41



To all concerned

Jan 12, 2017

This appeal is related to the house at 854 Edmund St Paul, MN 55104

Home of John F Nieszner (for many decades)

I am Chris Rueb (nephew) and I have received power of Attorney and am helping my uncle John to the best of my ability.

John lost the right to live in his personal house recently due to a 911 call on Dec 15th (he had fallen and was confused and not answering the phone) and a follow up inspection which I attendee on 12/28 with Ramsey county resources House Calls Sade Kelly 651-266-1287 and with St Paul officer Lisa Martin (St. Paul police badge #335.0 on Dec 28th).

John is 75 years old, lifelong St Paul resident a veteran with 20 years Air Force service. He has paid all taxes, all utilities, sewer, all fees while living successfully for decades at this location. However, for what appears to be the past year he was not doing well in his home, health, his house is full of paper and stacks of documents and is very messy with paper bags, newspapers, mail, documents. Due to the inspections and certain unsafe aspects the house was identified and posted with an order to vacate on 12-28 by law enforcement officer M Kaisersatt (651-266-1908). John Nieszner actually moved out of his home earlier on 12/20 and lived on the Air Force base Lodge for a week over the Christmas holidays until he could get into the VA hospital. He has not inhabited the house since 12/20/16, nor been to the house since 12/20. All rules are and will be followed. He and I are thankful for the city in keeping citizens safe.

We however would like to discuss and appeal the large \$2085 vacant building registration fee sent in a recent letter (letterhead dated 12/30/2106 but post marked 1/10/17, all of Johns personal mail is now upon suggestion of Officer Lisa Martin (651-266-1940 badge #335.0) forwarded to my address (its not safe to have mail at a vacated or abandoned posted home stealing is a common problem). That process with the post office took ~10 days to get going). So I just received this mail (attached) on 1/11/17 and immediately I want to file this appeal to waive this large fee.

John has for over 2 weeks been in the veterans VA hospital getting help with several medial issues. He was discharged on 1/12/17 and now has just moved out of the hospital to a short term transition care facility on Feronia AVE in St Paul Episcopal Church Home Gardens site to help build up his health and strength. My number one concern is his health and stability. So he is not and has not been able to start cleaning his home. I have been to the house and things look very safe and secure, I have arranged for shoveling, the mail is stopped, and the house secure.

Matt Dornfeld Enforcement officer 651-266-1902) is aware of the property and has assisted in what things to do with it. Also helping with assistance and advise is Steve Manger (651-266-1928). The county is aware and everyone has the same motive, to get a person in a safe place and not inhabit the house **until** cleaning and fixing and reapprove from Matt Dornfeld and the city.

We will upon John improved health start to clean, declutter, and get fixed the items needed. We would prefer if the two colorful (blue and red) vacant abandoned building signs could be taken down as they are in that neighborhood as you know a magnet for foul play and problems by unsavory people looking to take advantage. While the majority of people in and around Edmund AVE are wonderful caring people the vacant abandoned building signs are hard to miss.

Please at a minimum waive the \$2085 vacant building registration fee for 854 Edmund Ave. We have a plan, it will take some time, John has limited financial resources but will use those resources to get the home back to code and reapproved. Nobody is inhabitation the house, work on weekends has just started between 8am and 8pm which is allowed, and then after clean up the contractors and any fixing segment of the project. John F Nieszner is on a very limited income we need that (\$2085 fee) money to be used directly to help fix, hire contractors, clean and organize. I'm sure you understand the situation.

For a meeting with the city I am physically unreachable and out of the country January 22 – Jan 29th.

Thanks for keeping John F Nieszner safe

Chris Rueb

2045 Vivian Lane

Saint Paul, MN 55119

651-295-5144

ruebchris@yahoo.com





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

335.0

December 28, 2016

NOTICE OF CONDEMNATION AS UNFIT FOR HUMAN HABITATION AND ORDER TO VACATE

John F Nieszner Trustee
854 Edmund Ave
Saint Paul MN 55104-2730

John F Nieszner
854 Edmund Ave
St Paul MN 55104-2730

Dear Sir or Madam:

The Department of Safety and Inspections, Division of Code Enforcement, has determined that the dwelling and premises at **854 EDMUND AVE** is "Unfit for Human Habitation". In accordance with Saint Paul Legislative Code, Chapter 34, Section 23, the premises will be placarded on **December 28, 2016** and ordered vacated no later than **December 28, 2016**.

Your attention is called to the following provisions of Section 34.23, Subsection 6 entitled, "Vacation of Structure or Unit":

"Any residential structure or residential unit which has been condemned or placarded as unfit for human habitation shall be vacated within the time set forth in the placard and/or order. It shall be unlawful for any person to let to any person for human habitation any structure or unit so condemned or placarded, and no person shall occupy the structure or unit after the date set forth in the placard and/or notice."

**THIS DWELLING SHALL NOT AGAIN BE USED FOR HUMAN HABITATION
UNTIL WRITTEN APPROVAL IS SECURED FROM THE CITY OF SAINT PAUL;
DEPARTMENT OF SAFETY AND INSPECTIONS, DIVISION OF CODE
ENFORCEMENT**

Principle Violations: These deficiencies must be corrected before this condemnation and vacate order will be removed.

1. **CONDEMNATION:** The interior of the house constitutes material endangerment. The interior of home has gross unsanitary conditions. Inspector found the home filled with clutter, small walking path throughout the home. This is a fire hazard due to the excessive combustibles.
2. **SMOKE DETECTOR:** Lack of properly installed and operable smoke detector. Provide functioning smoke detectors in accordance with the attached requirement, within 24 hours.
3. **CARBON MONOXIDE ALARM.** Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturer's instructions.
4. **DAMAGED ELECTRICAL FIXTURES.** Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.
5. **EXIT OBSTRUCTION.** Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit way.
6. **EXTENSION CORDS.** Immediately, discontinue use of frayed, deteriorated, damaged or spliced electrical cords adequate to meet the building's needs. This work may require a permit(s), call DSI at (651) 266-9090.
7. **WATER HEATER.** Contact a licensed contractor to repair or replace the water heater. This work may require a permit(s). Call DSI at (651) 266-9090.
8. **DRYER VENTING.** 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 may require a permit(s). Call DSI at (651) 266-8989.
9. **INTERIOR WALLS.** The interior walls are defective. Repair all wall defects and finish in a professional manner.
10. **INTERIOR CEILINGS.** The interior ceilings are defective. Repair all ceiling defects and finish in a professional manner.
11. **COMBUSTIBLE MATERIALS.** Immediately remove and discontinue excessive accumulation of combustible materials. Provide and maintain orderly storage of materials.
12. **INTERIOR SANITATION.** Provide and maintain interior in a clean and sanitary condition.

13. BATHROOM. Every dwelling unit shall contain within its walls a room, or adjacent rooms, separate from the habitable rooms which affords privacy and which is equipped with a working toilet, hand sink and bathtub or shower.

Authorization to reoccupy this/these dwelling unit(s) will not be given until it is demonstrated that all principal violations have been corrected and that no new conditions exist which could constitute material endangerment or which threaten the peace, health, safety or welfare of the occupants of this building.

All repairs and new installations must be made in accordance with the appropriate codes. Permit information may be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989.

You may file an appeal to this notice by contacting the City Clerk's Office at (651) 266-8688. Any appeal must be made in writing within 10 days of the date of this notice.

It is the responsibility of the property owner to keep all buildings secured and to properly maintain the premises at all times.

If you have any questions concerning this matter, please contact the Inspector, Lisa Martin, at 651-266-1940. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to the inspector.

Sincerely,

Lisa Martin
Enforcement Officer

lm

c: Posted to ENS

ubh60103 4/11



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

334.0

December 20, 2016

NOTICE OF CONDEMNATION AS UNFIT FOR HUMAN HABITATION AND ORDER TO VACATE

John F Nieszner
854 Edmund Ave
Saint Paul MN 55104-2730

Dear Sir or Madam:

The Department of Safety and Inspections, Division of Code Enforcement, has determined that the dwelling and premises at **854 EDMUND AVE** is "Unfit for Human Habitation". In accordance with Saint Paul Legislative Code, Chapter 34, Section 23, the premises will be placarded on **12/20/16** and ordered vacated no later than **12/23/16**

Your attention is called to the following provisions of Section 34.23, Subsection 6 entitled, "Vacation of Structure or Unit":

"Any residential structure or residential unit which has been condemned or placarded as unfit for human habitation shall be vacated within the time set forth in the placard and/or order. It shall be unlawful for any person to let to any person for human habitation any structure or unit so condemned or placarded, and no person shall occupy the structure or unit after the date set forth in the placard and/or notice."

**THIS DWELLING SHALL NOT AGAIN BE USED FOR HUMAN HABITATION
UNTIL WRITTEN APPROVAL IS SECURED FROM THE CITY OF SAINT PAUL;
DEPARTMENT OF SAFETY AND INSPECTIONS, DIVISION OF CODE
ENFORCEMENT**

Principle Violations: These deficiencies must be corrected before this condemnation and vacate order will be removed.

1. House interior is in a gross unsanitary condition.

Other Violations: These deficiencies must be corrected in order to bring this property into compliance with the Saint Paul Legislative Code.

2. NA

Authorization to reoccupy this/these dwelling unit(s) will not be given until it is demonstrated that all principal violations have been corrected and that no new conditions exist which could constitute material endangerment or which threaten the peace, health, safety or welfare of the occupants of this building.

All repairs and new installations must be made in accordance with the appropriate codes. Permit information may be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989.

You may file an appeal to this notice by contacting the City Clerk's Office at (651) 266-8688. Any appeal must be made in writing within 10 days of the date of this notice.

It is the responsibility of the property owner to keep all buildings secured and to properly maintain the premises at all times.

If you have any questions concerning this matter, please contact the Inspector, Mark Kaisersatt, at 651-266-1908. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to the inspector.

Sincerely,

Mark Kaisersatt
Enforcement Officer

mk

c: Posted to ENS

uhh60103 4/11