



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
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*651-266-8585*

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Tuesday, March 25, 2014

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 14-4](#) Ordering the rehabilitation or razing and removal of the structures at 1000-1004 BUSH AVENUE within fifteen (15) days after the March 19, 2014, City Council Public Hearing. (Public hearing continued from March 19) (Amended to razing and removal only)  
  
**Sponsors:** Lantry  
  
*Remove the building within 15 days with no option for repair. (No one appeared)*  
  
*RE: 1000-1004 Bust Avenue (Duplex)*  
  
*Steve Magner, Vacant Buildings:*  
*- Layover*  
*- he read the letter to Steven and Jennifer Steele, owners, dated Feb 27, 2014 into the record (attached)*  
  
*Ms. Moermond:*  
*- Ms. Mai Vang has an email from Stephanie Nelson, attorney for the bank: the bank has decided not to take on this project*  
*- knowing all that, her recommendation to City Council will be to order the building removed within 15 days with no option for its rehabilitation*  
  
**Referred to the City Council due back on 4/16/2014**
  
- 2 [RLH RR 14-5](#) Ordering the rehabilitation or razing and removal of the structures at 444 BEACON AVENUE within ninety (90) days after the April 16, 2014, City Council Public Hearing.  
  
**Sponsors:** Stark  
  
*Need a revised work plan or sworn construction statement with timelines for the completion of the rehab of the building and a letter of commitment (affidavit statement) dedicating the amount from the personal and business accounts for the project by April 7, 2014. If the plan and letter are reviewed and approved, Legislative Hearing Officer will ask the City Council to grant 90 days for the rehabilitation of the building.*

*RE: 444 Beacon Avenue (Single Family)*

*Jose Amaya, J & A Enterprises, owner, appeared.*

*Mr. Amaya entered a document; it was scanned*

*Steve Magner, Vacant Buildings:*

- The building is a two-story wood frame single-family dwelling with a detached three-stall garage on a lot of 5,227 square feet. According to our files, it has been a vacant building since November 26, 2012.*
- The current property owner is listed as Federal Home Loan Mortgage Corp per AMANDA and Ramsey County Property Records. The new owner is Jose Amaya; Ramsey County Property Records have not yet been updated to reflect this change in ownership.*
- On September 11, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on September 13, 2013 with a compliance date of October 13, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*
- Taxation has placed an estimated market value of \$43,500 on the land and \$150,400 on the building.*
- Real estate taxes are current.*
- The Vacant Building registration fees were paid by check on December 5, 2013.*
- A Code Compliance Inspection was done on November 19, 2013.*
- The \$5,000 performance deposit was posted on February 19, 2014.*
- There have been nine (9) SUMMARY ABATEMENT NOTICES since 2012.*
- There have been eight (8) WORK ORDERS issued for:*
  - Garbage/rubbish*
  - Boarding/securing*
  - Snow/ice*
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000. Background: LH previously heard this; at that time a real estate agent from Fannie Mae said that they were working on a sale; subsequently Jose Amaya said that he bought the property; it was decided to schedule new hearings for this property; Mr. Magner assumes that Mr. Amaya will be submitting document forms for rehabilitation*

*Ms. Moermond:*

- noted: this process was started in this hearing before but before it went to City Council, we knew that Fannie Mae had taken ownership and wasn't going to be doing the rehab; and because it was federally owned, she asked the City Council to Withdraw the resolution; this is the second resolution in front of them because now the property is owned privately*

*Mr. Amaya:*

- he was informed of the building status when he purchased the house*

*Amy Spong, Heritage Preservation Commission (HPC):*

- built in 1906*
- 2 1/2 story wood frame with a cropped gabled roof in a rectangular plan*
- an early Queen Anne*
- original contractor was A. Kerner; original owner was Mrs. Marie Coldwall*
- area last surveyed for historical significant in 1983; this property was not recommended for any potential historic designation*
- in it's own right, she does not believe that it would be recommended for designation*

*and there's not been an historic district identified*

- *there is only 1 vacant lot about 2 doors down*
- *have an early atlas and at one time both block faces had residential 45-wide lots*
- *across the street is a parking lot with the telephone building*
- *the neighborhood has lost its context; however, this block face remains fairly well in tact*
- *properties appear to be from the same period, which adds to the character*
- *this is 1 1/2 blocks from the new light rail line*
- *at the last LH, she noted that there's no potential for this property to be an historic resource but encouraged its rehab*

*Ms. Moermond:*

- *at the last LH, when Ms. Spong talked about these 2 Beacon properties, she talked about this row of houses forming a barrier between what is commercially zoned property and what is residentially zoned property, so that if both 444 and 438-442 properties were demolished, that blurred line would be unhealthy*

*Ms. Spong:*

- *in the comp plan chapter, there is a statement that says to be careful about eroding the transition from the commercial to residential*

*Ms. Moermond:*

- *outlined the process of this rehabilitation*
- *there is already a code compliance inspection report on this property*
- *real estate taxes are current*
- *the Vacant Building registration fees were paid by check on December 5, 2013*
- *the \$5,000 performance deposit has been posted also*

*Mr. Amaya:*

- *he is the only person in J & A Enterprises*
- *he has outlined what he has been able to do so far*
- *he's gotten bids for each section of the code compliance that it required and he has already chosen the contractors*
- *the contractors has all stated that it will take no less than 2 months to get the house renovated and up to code*
- *because there will be no one living there, the project will continue to be worked on every single day until it's complete*
- *each contractor is ready to begin working on the house; bids are attached to the plan*
- *TriWest Renovations, owned by his uncle, who is a general contractor*
- *the subtotal at the bottom is what his uncle said the total cost would be but he noticed that some of his subcontractors priced out more expensively than they should be, so he got more bids from other places*
- *financing: the numbers are current as of yesterday - J&A has about \$15,000 available; his personal account has about \$23,000 available*
- *the contractors will accept credit, so he will pay with credit so that he can pay it off month by month; they way, he will be more committed to fix it until it's done; (at no point, then, will financing become an issue)*
- *he lists his credit card limits*
- *he works as a paralegal for US Bank so he has enough capital coming in to be able to complete the work*

*Mr. Magner:*

- *bids are between \$32,000-\$33,000 and maybe he can shave some off that; he thinks that estimate is reasonable based on Mr. Amaya's using a relative as his general contractor, so there's probably some discounting there; he still thinks that*

*\$50,000 is a fair market price*

- *looks as though he has enough money to cover all the repairs*
- *how he pays for the repairs is his business; he can pay the way he wants to*
- *he doesn't have any other concerns*
- *from an enforcement standpoint, the city hasn't had to go out and do anything as of late; that was not the case prior to Mr. Amaya taking over*

*Ms. Moermond:*

- *has concerns*
- *his business and personal finances are what they need to be to cover the project*
- *is not sure of how Mr. Amaya intends to use his lines of credit*
- *she needs to see evidence that he has that line of credit (in his plan)*
- *is not thrilled about financing a rehab with a Home Depot/Menards' card; she doesn't think that it's reliable financing*
- *what she doesn't want to happen is to get into this and Mr. Amaya doesn't have the financial capacity to finish the project*
- *would like to see an affidavit that he will make all of those necessary funds available up to the amount of the estimate from those accounts until the project is complete; maybe, a line of credit from a bank, like a construction loan for that particular site*
- *if you pay for other things along the way and finance that separately, fine*

*Mr. Amaya:*

- *clarified his use of credit: at the end of the TriWest bid, it states that all appliances will be bought at Home Depot or Menards, that's where the general contractor will purchase these appliances*
- *the actual working of the house will be the actual capital*

*Ms. Moermond:*

- *she needs to see the actual dollars available; she won't accept credit cards as part of the financing package; she never has and she never will*
- *also, she needs to see a more detailed work plan with timelines*
- *let's get the affidavit and revised work plan (email and hard copy mailed) to her by Apr 7, 2014*
- *City Council Public Hearing is Apr 16, 2014*
- *will recommend granting 90 days from Apr 16, 2014*

**Referred to the City Council due back on 4/16/2014**

**3**      [RLH RR 14-6](#)

Ordering the razing and removal of the structures at 866 CLEAR AVENUE within fifteen (15) days after the April 16, 2014, City Council Public Hearing.

**Sponsors:**      Bostrom

*Remove the building within 15 days with no option for repair. (No one appeared.)*

*RE: 866 Clear Avenue (Single Family)*

*Steve Magner, Vacant Buildings:*

- *The building is a one- story wood frame and stucco single-family dwelling with a detached two-stall garage on a lot of 5,227 square feet. According to our files, it has been a vacant building since December 1, 2013.*
- *The current property owner is Jeffery A. Cox and Kimberly S. Cox per AMANDA and Ramsey County Property records.*
- *On January 7, 2014, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on January*

13, 2014 with a compliance date of February 12, 2014. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

- Taxation has placed an estimated market value of \$12,300 on the land and \$37,700 on the building.
- Real estate taxes are current.
- The Vacant Building registration fees went to assessment on February 28, 2014 with payment pending to March 30, 2014.
- As of March 24, 2014, a Code Compliance Inspection has not been done.
- As of March 24, 2014, the \$5,000 performance deposit has not been posted.
- There have been eight (8) SUMMARY ABATEMENT NOTICES since 2013.
- There have been three (3) WORK ORDERS issued for:
  - Garbage/rubbish
  - Boarding/securing
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- this is a 1924 simple 1 1/2 story front gabled craftsman style of building
- early enclosed porch
- stucco on outside; still divided light windows present
- Payne-Phalen neighborhood
- surveyed area last in 1983; it was not identified at that time nor was there a potential historical district identified
- the house itself would not be individually eligible on a local or national register
- noted that these 2 block faces are incredibly intact (no empty lots) and all houses relate to a similar period of construction and are of very similar character
- the building itself is not historically significant
- reluctantly, she stated that demolition would not have an adverse affect (2 intact block faces)
- there's a newer garage on the property
- don't know whether or not the contractor would move the garage

Mr. Magner:

- they could entertain that; it is up to the contractor
- the garage cannot be left on the property because a nonconforming use would be created; there cannot be an accessory structure without a primary structure
- permit for garage was taken out in 2007

Ms. Moermond:

- will recommend removing the building within 15 days with no option for rehabilitation
- and ask Mr. Magner to specifically discuss the garage with the contractor

**Referred to the City Council due back on 4/16/2014**

**4**      [RLH RR 14-7](#)

Ordering the rehabilitation or razing and removal of the structures at 1022 MINNEHAHA AVENUE WEST within fifteen (15) days after the April 16, 2014, City Council Public Hearing. (To be referred back to Legislative Hearing on May 13, 2014 and City Council Public Hearing on May 21, 2014)

Sponsors:      Thao

To be referred back to Legislative Hearing on May 13, 2014 and City Council Public Hearing on May 21, 2014.

RE: 1022 Minnehaha Avenue West (Single Family)

Caty Royce, Director, Frogtown Neighborhood Association, appeared.

Steve Magner, Vacant Buildings:

- this is a new file; it's all done but it's back at the office
- the owners called late last week, DSI referred him to Mai Vang; Ms. Vang spoke to Mr. Johnson and he requested that issue be laid over to next month

Ms. Moermond:

- have Vicki email the Summary Sheet to us
- Norma and Harvey Johnson are the owners of this property; their address is 416 Labore Road, Little Canada, MN

Mr. Magner:

- Mr. Johnson told him that his wife has had some major medical issues and he is unable to do anything with this property now because he is attending to his wife's needs; he can't leave her side
- he is requesting the layover until he is able to come and represent his wife, the owner of this property
- permits were pulled back in 2006-2007 to do some work but that stopped and nothing has been going on since then
- their file goes back to 2003
- basic maintenance is being done

Ms. Royce:

- new windows have been put into the house
- the walks are being shoveled
- she will initiate contact with the owners- 488-0859

**Referred to the City Council due back on 4/16/2014**

**5**      [SR 14-36](#)

Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 438-442 BEACON AVENUE.

**Sponsors:**      Stark

*Need a complete work plan with timelines and affidavit letter from the Bank relating to financing to be used for the project.*

RE: 438-442 Beacon Avenue (Single Family)

Christian Brandt, attorney representing Bayview Loan Servicing, appeared.

Mr. Brandt:

- he wanted to be here today to make sure that he was providing all the information staff needed
- his client has posted the bond in the amount of \$10,000
- have ordered the code compliance inspection
- has provided a bid, which will probably need revision and more detail, which will be coming after they received the code compliance inspection report
- his client is prepared to provide the affidavit; he needs to make sure the language is suitable from Ms. Moermond's perspective
- got word yesterday that the plan is still to proceed with the repairs; that's what the

bank wants to do

Ms. Moermond:

- doesn't think that the bid from M & M Mortgage Services includes all of the items that will be called out in the code compliance inspection; the code compliance will tell you what specifically needs to be addressed

Steve Magner, Vacant Buildings:

- it's good that Mr. Brandt has gotten his client to the table  
- we've had a little bit of experience with Bayview (Ms. Moermond: not good experience)  
- communication is not Bayview's specialty; so, it's imperative that the affidavit clearly states the dollars are dedicated to the rehabilitation cost  
- code compliance inspection report is nearly ready (early next week probably)

Ms. Moermond:

- asked Mr. Brandt how quickly he thought the contractors working with Bayview could take the code compliance inspection report and turn it into a work plan?

Mr. Brandt:

- all he can do is relay the message of the deadline given by Ms. Moermond  
- he is hopeful that he can represent Bayview better than it has been in the past

Ms. Moermond:

- needs to see a complete work plan with timelines and affidavit by Apr 22, 2014 LH with the City Council Public Hearing on May 7, 2014  
- this would be a nice way for Bayview to turn over a new leaf with the city; she would like to see that happen

**Laid Over to the Legislative Hearings due back on 4/22/2014**

## 10:00 a.m. Hearings

- 6 [RLH SAO 14-5](#) Appeal of Robert Thao to a Summary Abatement Order and Order to Provide Garbage Service at 1549 SEVENTH STREET EAST.

**Sponsors:** Bostrom

*Deny the appeal.*

*RE: 1549 Seventh Street East (Single Family)*

*Robert Thao appeared.*

*Summary Abatement Order to deal with improperly stored refuse, etc., including tires and metal near the garage; and an Order to provide garbage service*

*Inspector Steve Magner:*

- Summary Abatement Order issued Mar 14, 2014 for removal of accumulated bags of garbage near the garage; no containers near the property; compliance Mar 18, 2014  
- Also, issued on Mar 14, an Order to Provide Garbage Service  
- all residential properties must have garbage service and all refuse/garbage must be stored in tight fitting containers outside for weekly pick-up  
- DSI has not been made aware of a provided garbage service or containers at this

residence; no hauler has been identified  
- no photo in the system  
- a Work Order was sent for the garbage hauler; no Work Order was sent for the garbage bags

Mr. Thao:

- he received 3 letters  
- when he got the first letter, he called Inspector Paula Seeley about the matter and she said that he needed to pick up the bags by the 18th; he picked them up on the 17th  
- he and his niece own a restaurant and they put their trash in the restaurant's container; they don't need to spend another dollar for another container  
- Ms. Seeley said that was fine  
- one tire is still frozen in the ice so, he can't move it; he put the shelves in the garage  
- he would like the city to take back their container because he doesn't use it  
- if he needs to, he will order a small container for the residence but he doesn't need it  
- he bought the property in 2011 and the wife doesn't want anything in the yard

Mr. Magner:

- clarification: there was an original SA and a SA for the garbage hauler; on the re-inspection Mar 19, the garbage was gone but the tire and metal was still present, so, a new SA was drafted and a Work Order for garbage hauler was sent

Ms. Moermond:

- the original pile was cleaned up; a second pile (new SA sent); and a WO for garbage hauler and container

Mr. Magner:

- Mr. Thao says there's tire left that he needs more time on because it's frozen; and he is asking that he should not have to have a garbage container (which would be a deviation from city code) because he wants to haul his trash himself to the restaurant's garbage bin; however, garbage needs to be stored in containers; it can't be stored in plastic bags anytime outside  
- based on the appeal, an inspection will be done next Thu, after City Council meeting; if the tire and metal are gone, we will close that part out  
- if the Council rules that Mr. Thao doesn't have to have a container, the inspector will pull the city container next Thu

Ms. Moermond:

- garbage service: if everything were neat and clean, city staff would not have shown up but it wasn't; and if it were just that one time that the garbage wasn't taken care of on the exterior of the house, it could have passed but this is twice in a very short time period, which tells her that whatever method your using isn't working to keep the yard clean from garbage and other items.  
- will recommend the City Council deny this appeal  
- City Council Public Hearing Apr 2, 2014 at 5:30 pm  
- there's a good history at the property  
- Mr. Thao needs a container; he can go with the smallest container from the cheapest company

**Referred to the City Council due back on 4/2/2014**

**1:30 p.m. Hearings**

**Fire Certificates of Occupancy**

- 7 [RLH FCO 14-48](#) Appeal of Willie Henderson to a Revocation Notice at 615 MARYLAND AVENUE EAST #2.

**Sponsors:** Bostrom

*Appeal withdrawn; revocation has been lifted per Fire Prevention staff.*

**Withdrawn**

- 8 [RLH FCO 14-47](#) Appeal of John Mann to a Fire Inspection Correction Notice at 1251 SIXTH STREET EAST.

**Sponsors:** Lantry

*Grant until June 15, 2014 to address the room leading to the enclosed porch by: 1) opening up 50% of the wall between the room and the enclosed porch; 2) removing all the windows/screens in the enclosed porch; or 3) stop using the room as a bedroom. In the meantime, the current tenants will be allowed to continue the use of the room as a sleeping room but only until the end of their lease, provided that the lock leading to the enclosed porch is removed.*

*RE: 1251 Sixth Street East (Single Family)*

*John Mann, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*- Fire Certificate of Occupancy Inspection conducted by Inspector George Niemeyer on Mar 13, 2014*

*- item appealed is the north center bedroom, which requires an emergency escape and rescue opening that goes directly outside*

*- the current opening goes directly into an enclosed porch, which is not acceptable*

*Mr. Mann:*

*- the area in question is an unfinished area above the porch on the main level; behind that area upstairs is the bedroom*

*- Inspector Niemeyer noted that the tenant had put a lock on the door of that opening to prevent anyone from going through that door into unfinished area/porch*

*Ms. Shaff:*

*- 50% of the wall between the porch would need to be removed to be considered part of the same room*

*Mr. Mann:*

*- he is here today to do whatever is necessary*

*- the main reason that he is here is because he has owned that property for over 10 years and each year it passed inspection; this year, he thinks that because there was a lock on that door, the inspector decided to call it out*

*- wants to continue to use the house as a 4-bedroom home; that's how he bought it and that's what it's been all the years that he has owned it*

*- the only window to the outside of this interior bedroom is through this porch*

*Ms. Shaff:*

*- the Fire Code strictly prohibits exiting through another room for egress*

- the wall could be opened up/make it into 1 room
- the windows and screens could be taken out of the porch and the locked door would need to be removed
- or, that room could no longer be used as a bedroom

Mr. Mann:

- is in process of evicting these tenants
- would ask that they be allowed to use that room as a bedroom until the end of tenancy (end of May) with that door unlocked
- has already signed a lease for someone to move in Jun 1, 2014 but she has only 2 children and won't need that room as a bedroom

Ms. Moermond:

- just taking out the windows on the second floor porch may pose some design code problems when obtaining a permit; that would be an ugly situation for the neighbors but she can't legislate ugly
- will recommend that Mr. Mann get until Jun 15, 2014 to address this situation with 1 of the following 3 options: 1) open up 50% of the wall between the room and the enclosed porch; 2) remove all the windows/screens in the enclosed porch; or 3) stop using the room as a bedroom. In the meantime, the current tenants will be allowed to continue the use of the room as a sleeping room but only until the end of their lease, provided that the lock leading to the enclosed porch is removed.

**Referred to the City Council due back on 4/16/2014**

- 9 [RLH FCO 14-45](#) Appeal of Kimberly Androff O/B/O Cornerstone Estates to a Correction Notice - Complaint Inspection at 1205 WESTMINSTER STREET. (To be withdrawn)

**Sponsors:** Brendmoen

*New orders issued by inspector with new deadline for rehabilitation, July 7, 2014. This deadline is consistent with after-fire practice. Upon issuance of new orders, owner withdrew appeal. ~MM*

*Grant until May 12, 2014 for compliance.*

*RE: 1205 Westminster Street (Apartments)*

*Kimberly Androff, Cornerstone Estates, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- complaint inspection Mar 7, 2014 by Inspector James Thomas
- pretty extensive fire in Unit 7, basically uninhabitable
- there are holes and penetrations through the occupancy separations
- kitchen damage
- Appellant is asking for more time
- Note: #6: amending the Orders because the inspector used the wrong code section; the corrected code section is 703.1, requires maintaining the occupancy separation (between 2 units)
- there was another fire in Unit #23 on Mar 18, 2014

*Ms. Androff:*

- their contractor said that he needs 140 days to do the work because it will be necessary to have 5 inspections and each inspection could take up to 2 weeks to schedule

*Ms. Moermond:*

- noted that the rehabilitation of both 1205 and 1225 was done in under 120 days
- pull the permit; get the permit; do the work; and call for the inspection; the only ones that lag a little are plumbing and they won't take longer than 1 week

*Ms. Androff:*

- had the insurance adjuster come out and approve the claim
- contractor is saying he needs 140 days for the inspections and they are still waiting for a sign and release statement from the resident and they won't do anything until they have that

*Ms. Shaff:*

- would recommend that neither unit on either side of #7 be re-occupied since there are breeches in the occupancy separations

*Ms. Moermond:*

- a really large corporation owns these buildings and definitely has the assets to cover this rehabilitation
- and there's no reason the work can't start without the tenants signing a release
- parts of these problems presents a danger to the neighbors

*Ms. Shaff:*

- #6 - basically, the entire unit envelope needs a 1-hr fire separation (doors, windows, ceiling, floors)
- no photos are attached
- Mr. Thomas says, "The apartment is completely demolished."
- a building permit is open

*Ms. Moermond:*

- so, sealing up the apartment envelope must be done first; the rest can wait
- fix all the fire damaged walls, ceilings, floors, windows first

*Ms. Androff:*

- there's no damage in the maintenance room on the other side of this unit
- the bedroom in the unit on the other side had some smoke damage; they took care of that

*Ms. Moermond:*

- will recommend granting an extension to May 12, 2014
- the building permit has been pulled

**Withdrawn**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 10     [RLH VBR 14-18](#)     Appeal of Chad Unruh to a Vacant Building Registration Notice at 1944 IVY AVENUE EAST.

**Sponsors:**     Bostrom

*Grant the appeal and change to Vacant Building Category 1; schedule appointment to check interior for life safety issues.*

*RE: 1944 Ivy Avenue East (Single Family)*

*Chad Unruh, owner, appeared.*

*Mr. Unruh entered a timeline for the work.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection by Inspector James Thomas*
- first letter sent in May 2012 for a Jun 8, 2012 inspection (no show)*
- on Jul 5 (no show); Jul 25 (no show); on Jul 26 (no show)*
- Jul 30, Mr. Thomas Revoked the Fire C of O, occupied*
- Oct 12, 2012, he Revoked it as a Vacant Building*

*Matt Dornfeld, Vacant Buildings:*

- explained to him this am: in 2012, Fire Inspector Thomas Revoked this house but it first came to the VB Program earlier this month*
- the VB file was recently opened by Inspector Dave Nelmark as a Category 2 per Mr. Thomas' verbal request: Mar 7, 2014*
- doesn't know what happened in the delay*
- Inspector Nelmark documented: building was vacant and secured; lock box on front door; he noted that the exterior was in fair shape; roof shingles on front have algae and stain; peeling paint and rotting wood on windows, including interior; numerous code violations; opened Cat 2 VB file per C of O and gas meter was covered and snow*
- it looks like this slipped through the cracks*
- will investigate what the delay was about*
- normally, the Revocations come to them via email; once in a rare while, an email will be missed and the Revocation doesn't get printed (?)*

*Ms. Moermond:*

- noted that an error was made and it makes sense to check it out on both ends of it*

*Mr. Unruh:*

- commented that the letters that they received were regarding the C of O but he no longer had intended to rent the building; there was a point where he lived there and had homesteaded the property; it was his primary residence; since he wasn't pursuing a Fire C of O, he wasn't acting on those letters because it was his understanding that if he had the house homesteaded and he was living there, he didn't need a C of O*
- the house was owner-occupied in 2012 (Mr. Dornfeld: that could be the reason why a VB file wasn't opened)*
- fall of 2011 - the last renter had destroyed the house; they left holes in the walls; left cigarettes on the ceiling fans; they burned/soiled the carpet; it was really a mess; the house had been broken into*
- he was in the transition period - no longer interested in renting so he filed for homestead and made it his primary residence; made all the repairs to the house: removed all carpet and put in hardwood floors; he turned it around completely so that he could live there*
- around that same time, he had just started dating Michelle, things were working out for them and in Oct 2012, they got married; then, he changed his address and moved into her townhouse*
- he, then received a letter from the county that said he could no longer homestead the property*
- he put the house on the market before they got married and it's been on the market ever since*
- he has an offer now but the person needs to sell her house first*

*Ms. Unruh:*

- they knew that they need hard wired smoke detectors but their realtor told them not to do anything about that until their inspection period; then, have an electrician come in and take care of all the electrical items; they were told to also wait on the other items that needed repair
- they check the property 2-3 times week to check on maintenance; it's probably one of the most watched buildings in the neighborhood

*Ms. Moermond:*

- so, it's on the market and no one is living there
- from the looks of it, it's a turn key property; someone can just move in (unless it's a Cat 2 VB, in which case, they need to go through a code compliance inspection)
- this property doesn't look like it would benefit from a code compliance inspection
- this is a Truth in Sale of Housing (TISH) Report dated Oct 2013; has many TISH listed
- this is the first time this file crossed her desk; document dated Mar 10, 2014: opening a VB file
- there's a mixed report from Mr. Nelmark

*Mr. Dornfeld:*

- has no problem changing this to a Cat 1 VB
- someone needs to check out the interior to make sure there are no life safety issues
- will put a HOLD on the VB fee

*Ms. Moermond:*

- this building doesn't meet the definition of a Cat 2 VB; doesn't need a code compliance inspection report
- will recommend granting this appeal, keeping the Unruh's out of the VB Program; however, an inspector does need to check it out
- there's only 1 criteria that they would come under the VB Program: the house has been vacant for more than 365 days but she doesn't have that information in front of her now because the VB file was just opened in Mar
- will do a first inspection and check back in a year to see how things are going
- if the city finds something major, they will contact the Unruhs
- gives time to close on the house

*Ms. Shaff:*

- TISH Report: 1) dryer duct is plastic; needs to be changed; 2) mold stain; 3) no floor drain; 4) no property hard wired smoke detectors and CO detector
- these things need to be done before the sale
- needs some repair but nothing major

**Referred to the City Council due back on 4/16/2014**

- 11**     [RLH VBR 14-20](#)     Appeal of Ernie DeLanghe, on behalf of FoxPoint Ventures, to a Vacant Building Registration Notice at 1135 CHARLES AVENUE.

**Sponsors:**     Stark

*Deny the appeal; waive the Vacant Building fee for 90 days.*

*RE: 1135 Charles Avenue West (Single Family)*

*Paul Fedorshyn, contractor, appeared.*

*Fire Inspector Leanna Shaff:*

- DSI received a complaint Mar 4, 2014 that the furnace stopped working and caused water damage in the living room; ice forming all over the home; house is in foreclosure
- Inspector Jeremy Hall went out Mar 4 and noted that he did not get access to the interior; sidewalks haven't been kept up; obviously unoccupied; he peered into the windows and saw lots of water damage
- he Condemned the house and opened a Fire Certificate of Occupancy file
- she noticed a lot of complaints over the years
- there are no open permits
- Mr. Hall spoke with the listing agent, who sold to the current investor, FoxPoint Ventures, Inc, who said that insurance adjusters were to be out the Fri, Mar 7, 2014; we have no info after that

Mr. Fedorshyn:

- the buyer's agent walked through and noticed the water damage; they called the listing agent and the seller, who came in and shut off the water
- he was in the following Mon with the insurance adjuster and the furnace guy; the Condemnation was listed on the front door
- he tried to get an interior demo permit to start getting it cleaned out
- talked to the city and decided to appeal it
- the house is all cleaned out - no junk; and it's in good shape but it has water damage throughout and that needs to be cleaned
- they want to fix it up again and put it on the market ASAP

Matt Dornfeld, Vacant Buildings:

- he was out there Mar 10, 2014 and opened a Category 2 Vacant Building file per the Condemnation by Inspector Hall, who documented the water damage
- was unable to confirm the water damage although he could see some condensation on the floor; it was probably 20 degrees below zero at the time
- other than that, the interior looked good; the sidewalk was not being maintained; he issued a snow/ice letter on Mar 10 and then issued a Work Order on Mar 14, 2014
- included some photos

Ms. Moermond:

- is trying to imagine what the Orders would look like in a Code Compliance with all the water damage; what systems might be affected
- concerned that all the house's systems could be compromised
- believes that it needs a code compliance inspection report; inspectors will write Orders according to what damage they find
- she wants to see this house up and running again
- under these circumstances, it should have been Condemned; it's a prime candidate for VB
- owner can sell it as a Registered VB; the purchaser will need to provide evidence that they have the financial capacity to do the repairs
- potentially, there could be a lot wrong here
- will recommend denying the appeal and grant a 90-day waiver on the VB fee
- can start with the interior Demo permit right away
- can pull the other permits after the code compliance inspection report is completed

**Referred to the City Council due back on 4/16/2014**