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
OCT 17 2025
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** 957229 **)** (cash received JF)
- ☒ **Copy of the City-issued orders/letter being appealed**
- ☒ **Attachments you may wish to include**
- ☒ **This appeal form completed**
- ☒ **Walk-In** *OR* ☐ **Mail-In** MT took appeal mail entered
  for abatement orders only: ☐ **Email** *OR* ☐ **Fax**

HEARING DATE & TIME
(provided by Legislative Hearing Office)
Tuesday, October 28, 2025
Location of Hearing:
☒ **Telephone:** *you will be called between*
11 AM & 1pm
☐ **In person** *(Room 330 City Hall)* **at:** _____
(required for all Fire C of O revocation & vacate; Condemnation orders)

Address Being Appealed:

Number & Street: 1164 Summit Avenue City: Saint Paul State: MN Zip: 55105

Appellant/Applicant: Alford S. Karayusuf Email poneill@larsonking.com

Phone Numbers: Business 651.312.6575 Residence _____ Cell _____

Signature: Patrick O'Neill, Jr. (As Attorney for Alford Karayusuf) Date: 10/17/2025

Name of Owner (if other than Appellant): Alford S. Karayusuf

Mailing Address if Not Appellant's: 2800 Wells Fargo Place 30 East Seventh Street, Suite 2800 Saint Paul, Minnesota 55101

Phone Numbers: Business 651.312.6575 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** Appeal of Correction Notice – Drainpipe Discharge. See attached.
- ☐ **Vacant Building Registration** _____
- ☐ **Other** (Fence Variance, Code Compliance, etc.) _____

LARSON·KING

PATRICK H. O'NEILL, JR.
poneill@larsonking.com
D 651-312-6575

October 16, 2025

Via Hand Delivery, Electronic & Certified Mail
Return Receipt Requested

Hector Caballero, Enforcement Officer
City of St. Paul – Department of Safety and Inspections
Code Enforcement / Inspections Division
375 Jackson Street, Ste. 220
Saint Paul, MN 55101
dsi-informationandcomplaints@ci.stpaul.mn.us

RE: *Appeal of Correction Notice – Drainpipe Discharge*
Property: 1164 Summit Avenue, Saint Paul, MN, 55105

Dear Inspector Caballero:

Please be advised that we have been retained to represent the homeowner, Alford S. Karayusuf, of the above property. This letter serves as a formal appeal of the Correction Notice, dated October 7, 2025, directing Mr. Karayusuf to "immediately disconnect and remove the drainpipes in the retaining wall that borders the sidewalk."

Mr. Karayusuf respectfully objects and appeals the Correction Notice and will not immediately disconnect and remove the drainpipes in the border wall. The drainpipes in question were installed and approved by the City of Saint Paul nearly thirty years ago.

Background of the Forced Downspout Disconnection

This home was built in 1914. In 1995, the City of Saint Paul required Mr. Karayusuf to modify the drainage system as part of the Rain Leader Disconnect Program, which required homeowners to disconnect rain leaders from the sanitary sewer and redirect

stormwater elsewhere in compliance with Section 41.03 of the Saint Paul Legislative Code. This was a controversial decision since when they bought their home the downspouts legally drained directly into the sanitary sewer.

After numerous conversations with City officials and City Council members, a compromise was reached whereby Mr. Karayusuf agreed to disconnect his downspouts from the sanitary sewer, and hired a private contractor to bury two underground PVC pipes to carry the rainwater from the downspouts to the retaining wall that abutted Dunlap Street.

The City Inspector at the time, Jim Vanderhoof, approved the work before it was performed. After completing the work, the same City Inspector inspected the configuration, and again approved the change, and new drainage system.

On August 18, 1995, Inspector Vanderhoof certified in writing the property to be compliant with Section 41.03. A copy of that certification is attached. I am in possession of the original.[1]

As further proof that the City approved of these changes in 1995 and more recently, when the Dunlap sidewalk was re-poured by the City, a separate section and trough was poured to accommodate the runoff. [*See* attached photo.] No one walks on this small but separate section of the sidewalk. The separate section is sloped toward the border wall and diverts the water away from the public right of way-sidewalk. The system has worked as intended and approved by the City for nearly three decades without issue, incident or complaint.

Lawful Pre-existing Condition

The drainage system is a lawful pre-existing condition created at the City's direction and approved under its own inspection process. It has remained unchanged since 1995. This configuration is not a nuisance and was originally installed to comply with the City's requirements to disconnect their downspouts. In my view this appears to be a case of "selective enforcement," and is an arbitrary and capricious act. We would request a copy of any complaints received from the public.

Further, given its age, approval history in writing, and lack of any hazard, Mr. Karayusuf should be deemed to be "grandfathered in." Any enforcement action requiring removal

[1] it is likely that this certification is not in your files. On October 14, 2025, we were informed by the City Clerk that, since the recent data breach, all records regarding this address have been deleted or are inaccessible.

of this long-approved condition would be inconsistent with both the City's prior directives and longstanding Minnesota law governing lawful, pre-existing uses.

We intend to be present for the re-inspection of the property on or after October 21, 2025.

We respectfully request that enforcement be suspended while this appeal is pending and that the City confirm the process for administrative review.

I welcome the opportunity to speak with you, your supervisor, or the City Attorney.

Very truly yours,

LARSON • KING, LLP

PATRICK H. O'NEILL, JR.

PHO/kal
Enclosure

cc: Mr. Alford S. Karayusuf (Via Email Only)

SAINT PAUL
SAFETY & INSPECTIONS

Department of Safety and Inspections (DSI)
Angie Wiese, PE (MN), CBO, DIRECTOR

375 Jackson Street, Suite 220
St. Paul, Minnesota 55101-1806
Phone: 651-266-8989 Fax: 651-266-8951
Visit our website at www.stpaul.gov/dsi

Yog hais lus koj tsis to taub cov ntawv no, hu rau tus xov tooj (651) 266-8989. Lawv muaj ntawv txhais lus los pab koj.

ALFORD S KARAYUSUF
1164 SUMMIT AVE
ST PAUL MN 55105-2649

CORRECTION NOTICE

Date: October 7, 2025
RE: 1164 Summit Ave

Dear Sir/Madam:

The City of Saint Paul, Department of Safety and Inspections has inspected the above referenced property on October 6, 2025, and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code.

1. A "nuisance" shall mean any substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city. Nuisances shall include, but not be limited to, those set forth in this section.

IMMEDIATELY DISCONNECT AND REMOVE THE DRAINPIPES IN THE RETAINING WALL THAT BOARDERS THE SIDEWALK. WATER CANNOT BE DISCHARGED ONTO THE PUBLIC RIGHT OF WAY.

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. The enforcement Officer will re-inspect these premises on or after October 21, 2025, by which date the violations noted must be corrected. Failure to correct these deficiencies may result in an abatement and /or additional fees for re-inspection.

You may file an appeal to this notice by contacting the City Clerk's Office at (651) 266-8585. Any appeal must be made in writing within 10 days of the date of this notice. (You must submit a copy of this Notice when you appeal and pay a filing fee.)

If you have any questions or request additional information concerning this matter, please contact Inspector Hector Caballero, at (651) 266-9158. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to the Inspector.

Sincerely,

Enforcement Officer

Badge 345

Footnote

To see the legislative Code go to www.stpaul.gov on the Internet, click on "Departments", then click on "Department of Safety and Inspections", scroll down the page for the "Codes". Most Correction Notices derive from Chapter 34.

WARNING: Code inspection and enforcement trips cost the taxpayer's money. If multiple trips within a year to your property are required to ensure compliance with the law, you may be charged for the cost of inspections and enforcement trips to your property. Such charges are an addition to any other fines or assessments which may be levied against you and your property.

DEPARTMENT OF PUBLIC WORKS
Nancy M. Becker, Director
Thomas J. Eggum, City Engineer

CITY OF SAINT PAUL
Norm Coleman, Mayor

Karl Johnson, I & I Program Manager
400 Sibley St.
Saint Paul, MN 55101
(651) 292-6024
FAX (651) 298-4324

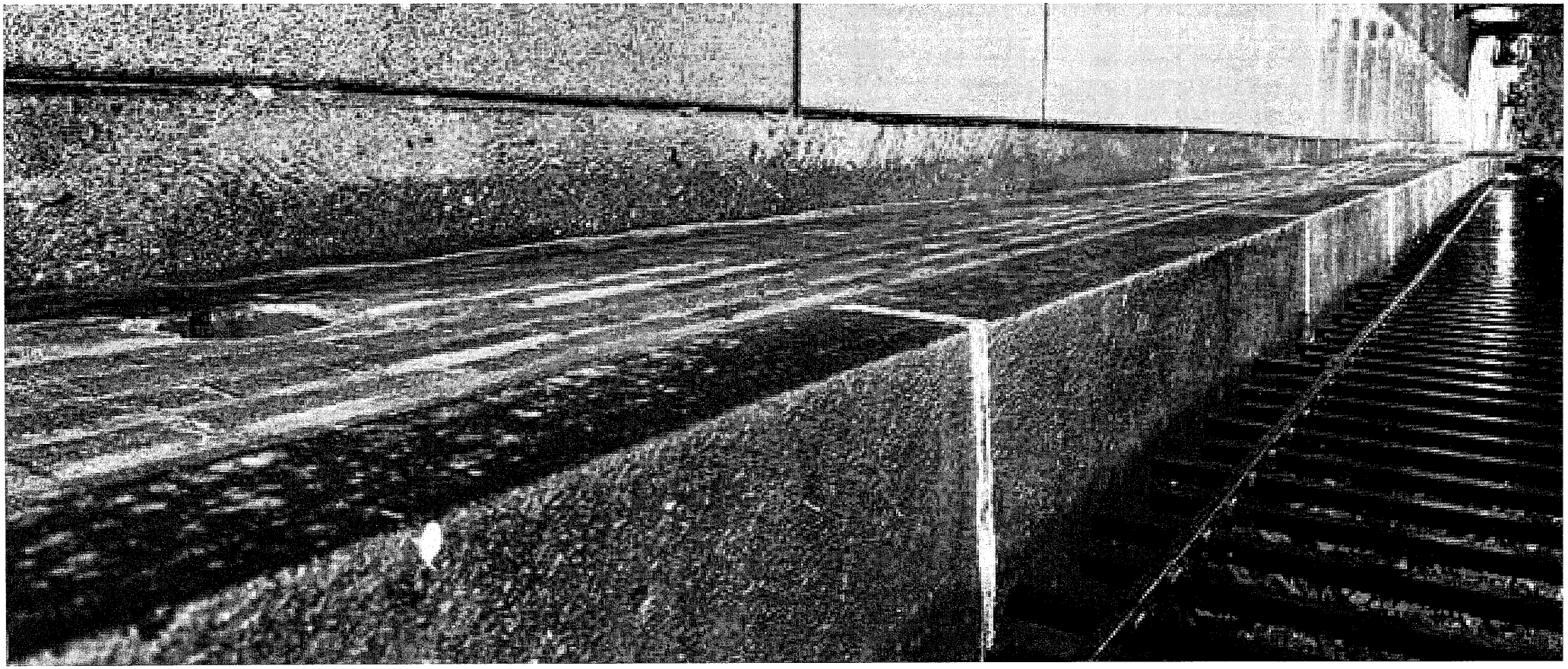
CITY OF SAINT PAUL

RAINLEADER DISCONNECTION PROGRAM

Date: 8-18-25

This is to certify that the property at:

1164 Summit Ave.

has been inspected on this date, and was found to be in compliance with Section 41.03 of the City of Saint Paul Legislative Code.

Inspected by _____
Rainleader Program