



# 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

JUN 07 2013

CITY CLERK

**We need the following to process your appeal:**

- ☒ \$25 filing fee payable to the City of Saint Paul  
(if cash: receipt number ck # 7044)
- ☒ 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, 6-18-13

Time 3:00 p.m.

**Location of Hearing:**

Room 330 City Hall/Courthouse

**Address Being Appealed:**

Address Appealing: 112 Leech St

Number & Street: 169 Goodrich Ave City: St Paul State: MN Zip: 55102

Appellant/Applicant: Joe Landsberger Email: joe@joeLand.com

Phone Numbers: Business \_\_\_\_\_ Residence 651-297-9000 Cell \_\_\_\_\_

Signature: [Signature] Date: 6-6-13

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing 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
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration

☒ Other

Denial of fence/gate variance - see attached.

June 6, 2013

To: Saint Paul City Council—Legislative Hearing  
310 City Hall, 15 Kellogg Blvd  
Saint Paul, MN 55102

From: Joe Landsberger  
169 Goodrich Avenue  
Saint Paul, MN 55102

Greetings Honorable Council Members:

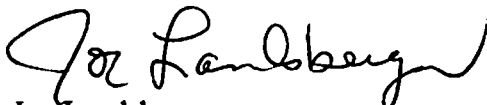
I would like to appeal the denial of a fence height of four feet for a front yard on property that I own at 112 Leech Street. The adjoining lot to this house approximately measures forty by ninety feet. My goal is to fence this lot located at the intersection of Goodrich and Leech Streets with a combination of wood and ornamental iron fencing, featuring a timber frame gate in the style of a *tori* (Japanese gate) at the intersection's corner. I would also remove unwanted chain link fencing along the eastern boundary that separates my residential lot at 169 Goodrich from the Leech Street residence.

Earlier this year, I purchased 7 ¾ feet wide by 5 ¾ feet tall ornamental fence panels at Bauer Brothers, a salvage company in Minneapolis. One motivation was that the fence's source was the Schmidt Brewery, purchased as salvage in January 2013. Unbeknownst to me was the four-foot restriction for front yards. I applied for a variance since the iron fence would not reduce visibility, its height would basically run below the house's retaining wall due to the downward slope of the lot, and had the encouragement and support of my neighbors in the design of both fencing and gate. Our neighborhood is one of older well-cared for housing stock, including the stone Brings House (c1860) and several pre-1900 Victorians at the intersection including mine.

I applied for the variance on May 13, 2013, and on May 22 Inspector Dave Tank visited and wrote "Lot is a corner lot with no other homes adjacent. Historical homes in immediate area. Lot slopes with landscaped yard. Fence would complement area." So I was surprised that Steve Ubl denied the request for variance, citing that none of the three criteria (site conditions, terrain, nuisance) were met (c.f. letter dated May 24, 2013). However he stated that "it appears the neighborhood represents a significant history with homes that have charm and character of the past. The proposed fencing would probably add to the neighborhood's beauty, atmosphere and value if Council were to support your appeal. Additionally, the proposed fence, in my opinion, would not create a safety issue for vehicular traffic at the intersection of Leech and Goodrich."

It is for this reason that I respectfully appeal Ubl's denial of my variance.

Thank you so much for the consideration.



Joe Landsberger  
169 Goodrich Avenue, 55102 651 297 9000



## CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989

Facsimile: 651-266-9124

Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

May 24, 2013

To: Joe Landsberger  
169 Goodrich Ave  
St. Paul, MN 55102

Re: Fence Variance  
112 Leech St

Mr. Landsberger,

You have petitioned for a fence variance at the above referenced address. St. Paul Legislative Code section 33.07 allows for a fence height up to 4 feet in height in the front yard. Additionally, corner lots with intersecting streets are not allowed to have a fence higher than 2 feet in height within 10 feet of the corner unless the fence is more than 80 % open.

A variance can be approved from the building official if one of three criteria is met:

- 1.) site conditions
- 2.) terrain
- 3.) Nuisance

The lot at 112 Leech St. does not appear to reflect any of these conditions. Therefore, following the legislative code, the request for a fence variance must be denied. You have the option of appealing the denial to the City Council at your discretion.

I would like to add that it appears the neighborhood represents a significant history with homes that have charm and character of the past. The proposed fencing would probably add to the neighborhood's beauty, atmosphere and value if Council were to support your appeal. Additionally, the proposed fence, in my opinion, would not create a safety issue for vehicular traffic at the intersection of Leech and Goodrich.

Please feel free to contact me with any questions that you may have regarding this issue.

Sincerely,



Stephen Ubl

City of St. Paul Building

Official

Department of Safety &amp; Inspections

375 Jackson St

Saint Paul, MN 55101

P: 651-266-9021

F: 651-266-9099

The Most Livable City in America  
[stephen.ubl@ci.stpaul.mn.us](mailto:stephen.ubl@ci.stpaul.mn.us)

Making Saint Paul the Most Livable City in America



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Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
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**REQUEST FOR FENCE VARIANCE**  
**\$70.00 PER FENCE VARIANCE**  
 (Fees Eff.: 01/01/2009)

Folder #

# 13-194120

ADDRESS OF VARIANCE: 112 Leech Street

OWNER ADDRESS: 169 Goodrich Avenue

CONTRACTOR ADDRESS: none, processing for bidding

CITY: Saint Paul STATE: MN ZIP: 55102

PHONE W/AREA CODE: 651-297-9000

FAX W/AREA CODE: none

<b>FENCE DETAILS REQUIRED</b> (A site plan indicating the location of the fence must be provided with this application)		
<b>Proposed length of fence (total lineal feet)</b> Length of Fence: 278	<b>Proposed height of fence</b> Feet: 5    Inches: 9 and Feet: 4 Inches: 0	<b>Will the fence be erected on a corner lot?</b> Yes X    No _____
<b>Type of Fence:</b> X Non-Obscuring Fence    _____ Privacy Fence    _____ Barbed Wire Fence		
<b>Fence Location:</b> X Perimeter of Entire Yard    _____ Front Yard Only    _____ Rear or Side Yard Only		

Sec. 33.07. Fences--Requirements.

**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.

The property on which the fence is proposed satisfies the variance criteria (underlined in preceding box) for the following reason(s):

Check at least one item below and state the reason(s) you believe the property qualifies for variance consideration

## X SITE CONDITIONS

## X TERRAIN CONDITIONS

X NUISANCE ANIMAL CONDITIONS

## REASON FOR VARIANCE REQUEST:

Please see attached

Office Use Only Below This Line

INSPECTOR'S OBSERVATIONS: Lot is a corner lot with no other homes adjacent. Historical homes in immediate area. Lot slopes with landscaped yard. Fence would compliment area.

INSPECTORS NAME: David Tank

Phone: 651-266-9020

APPROVED

Date: 5/23/13

Building Official:

Phone: 651 - 266- 9021

**DENIED**

(This decision may be appealed to the legislative hearing officer by calling 651-266-8560.)

**RETURN SIGNED RECOMMENDATION TO:**

AT THE FRONT COUNTER.

**PAYMENT CAN BE MADE BY CREDIT CARD**

ACCOUNT NUMBER

**MasterCard/Visa/Discovery/American Express**

**EXPIRATION DATE**

[illegible]

Signature of Card Holder (required for all charges)

DATE \_\_\_\_\_



# RECEIPT

## CITY OF SAINT PAUL

Department of Safety & Inspections  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806  
Phone: 651-266-8989  
Fax: 651-266-9124  
[www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

Payment #: 938166  
Payment Date: May 13, 2013

Paid By: JOSEPH F LANDSBERGER  
169 GOODRICH AVE  
ST PAUL MN 55102-2715

Amount Paid: \$70.00

Payment Type: Check

### Transaction Description

Project Location: 112 LEECH ST ST PAUL MN 55102

13 - 184176

TYPE: FENCE PERMIT

SUB TYPE: FENCE VARIANCE

WORK TYPE: RESIDENTIAL

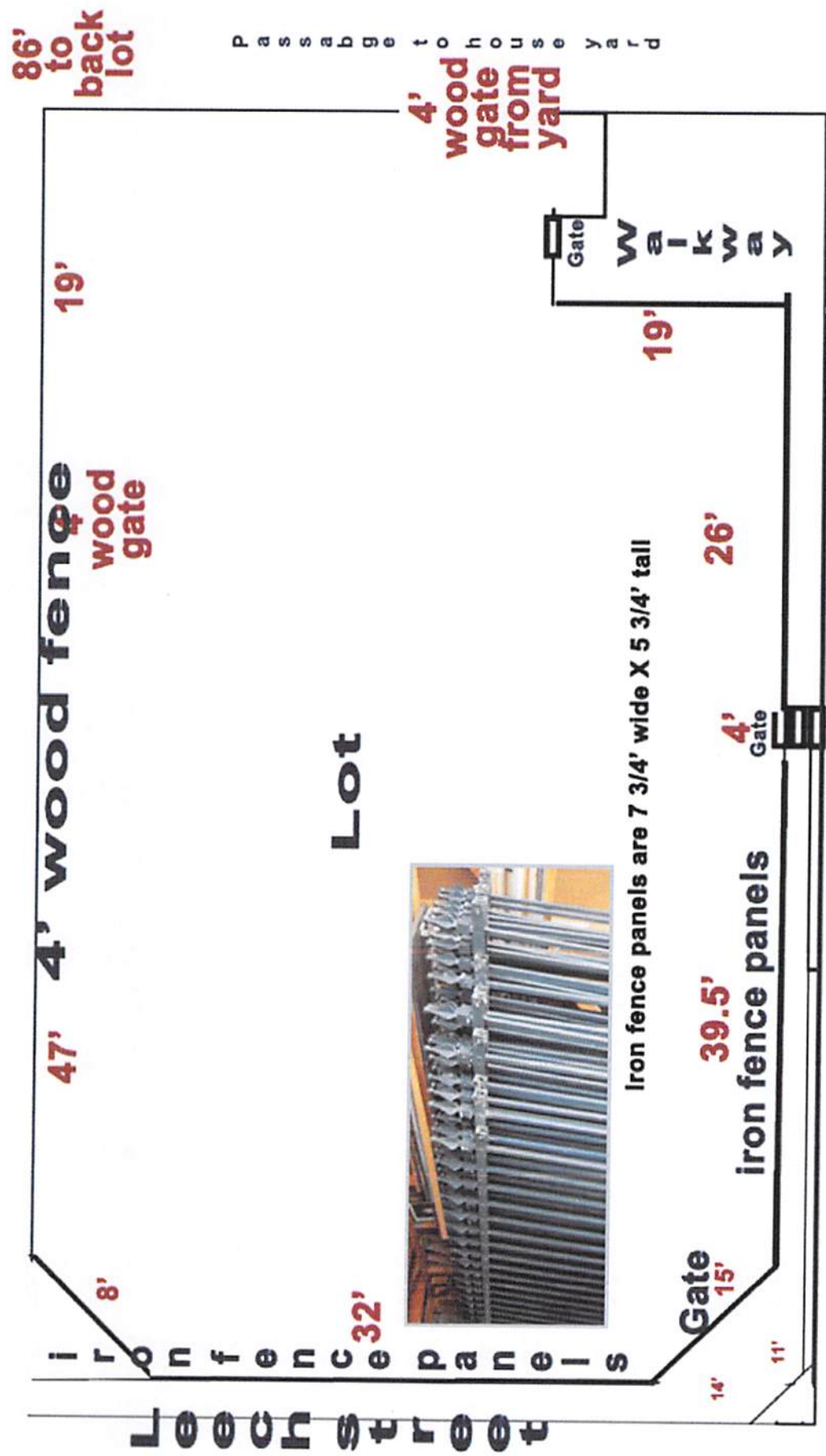
### FEES

Fence Variance	70.00
<b>TOTAL</b>	<b>70.00</b>

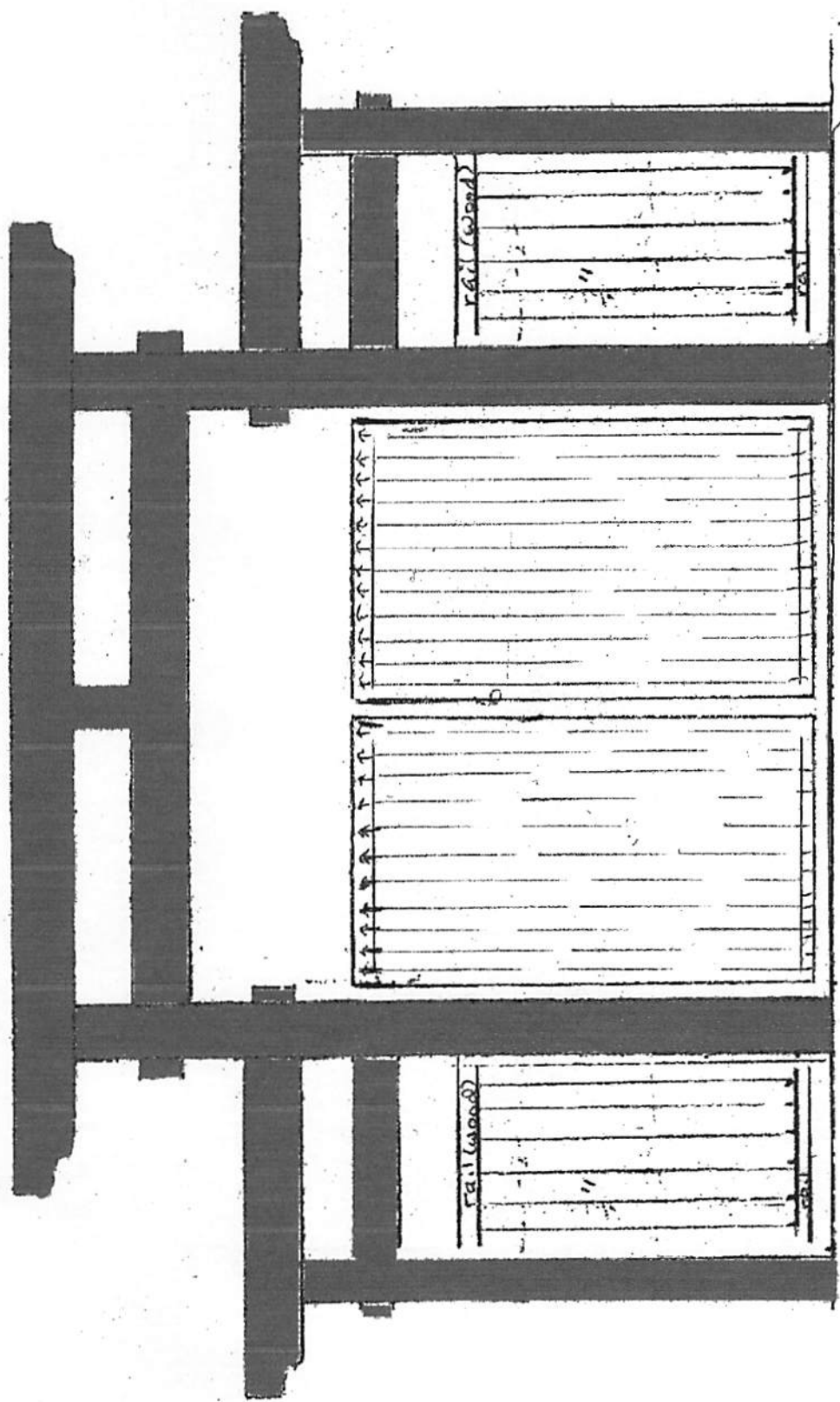




**112 Leech Street**



Iron fencing set back ~3 feet from sidewalk



**Torii Gate**