



APPLICATION FOR APPEAL

RECEIVED

APR 25 2014

CITY CLERK

Saint Paul City Clerk

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

- ☒ \$25 filing fee payable to the City of Saint Paul
(if cash: receipt number check 7183)
- ☒ 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:

Tuesday, 5-13-14

Time 1:30 p.m.

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 461 McKnight Rd S City: St. Paul State: MN Zip: 55119

Appellant/Applicant: Patty McDonald Email pc.mac.6@gmail.com

Phone Numbers: Business 651-739-5006 Residence same Cell —

Signature: Patty McDonald Date: 4-25-2014

Name of Owner (if other than Appellant): same

Address (if not Appellant's): same

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

current driveway helps w/ the
flooding problem. Would like
a variance.

See attached. Thanks.
Patty



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

April 15, 2014

CARL B ANDERSON
PATRICIA C MCDONALD
2150 MAILAND ROAD
ST PAUL MN 55119-5330

FIRE INSPECTION CORRECTION NOTICE

RE: 461 MCKNIGHT ROAD S
Ref. #117333
Residential Class: A

Dear Property Representative:

Your building was inspected on April 15, 2014 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date.

A re-inspection will be made on June 16, 2014 at 1:00pm.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Exterior - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-9090.-Finish paving the driveway.

2. First floor - Living room - NFPA 211,9-2 - Have the chimneys, fireplaces, and vents inspected for soundness, freedom from deposits, and correct clearances. Cleaning, maintenance, and repairs shall be done if indicated by the inspection.

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: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: george.niemeyer@ci.stpaul.mn.us or call me at 651-266-8991 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,

George Niemeyer
Fire Inspector
Reference Number 117333

Appeal documentation for 461 McKnight.
Owners: Patty McDonald & Carl Anderson

Fire Inspection Correction Notice lists:

Exterior – SPLC 34.08 (7) – All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-9090. – Finish paving the driveway.

We are asking for a variance on this. This driveway is half paved and half class 5 crushed aggregate. (*Photo 1 & 2*) It is crushed aggregate for a reason—to help keep the garage from flooding. It does this by percolation and directing the water to the side.

Every time it rains there are flooding issues. (*Photo 3*) This is due to the inadequate storm sewer system which sends massive amounts of water flow over the end of the driveway, down the driveway in toward the house/garage (see *Diagram 4* for information on storm sewer issues). By making the driveway paved and not Class 5 it will increase the volume of water that flows towards the house/garage/backyard.



Photo 1: 461 McKnight: Right portion of drive is Class 5



Photo 2: View from steps (after snow melt).



Photo 3: View from steps during a big rain.

History:

This has been an ongoing issue for years. Before the garage was there the water flowed straight down into and across the backyard. The flow was of such high volume and with such force that it washed away the new septic field. (*Diagram 1*) It was so severe that the city made the owners hook up to the city sewer—which involved installing a small pumping station to pump the septic sewage the 50+ yards to the where the septic ends two houses down.

Around that time someone purchased the house and built the garage—neighbors encouraged the person to build the garage higher than the house, but he didn't. So the flow of water, if unchecked now floods the garage and the backyard. We added more Class 5 to increase the volume of space for the water to stand as it percolates down. This permeable surface and the fact that we can make troughs to direct the water to flow around to the side of the garage saves it.

The next phase of the water issue was that the water would go around the back and across the backyard—taking mud across the patio and yard (*Diagram 2*). We have worked on that (with landscaping, berms and directing water flow) and now have the water flowing only to the side of the yard and into a green space where the water percolates down—eventually. (*Diagram 3*)

Now:

By adding a blacktop/cement surface that we can not work with and adjust as needed we will be increasing the volume of water and speed/force of flow—which will increase the likelihood of two things happening:

1. Flooding the garage
2. Increasing the water flow problem in the backyard.

The flow of water changes seasonally and year to year—we would like to continue to have the class 5 driveway so that:

- a. We have a permeable surface for some of the water to percolate down into.
- b. We can adjust the surface as needed to keep the flow of water away from the house and garage.
- c. We can continue to keep our tenants happy and dry.

Dust in our neighborhood hasn't been an issue – even with a Class 5 Road and long driveways near by. Mailand Road is just 45 yards south of 461 McKnight (*Photo 4*) and is a 1200' long Crushed Aggregate Road. (*Diagram 5 & 6, Photo 5*) Neither of the neighbors or the tenants have an issue with the driveway as it is now (see *Appendix A, B & C*). There are no neighbors across the street, across the street is actually the storm water run off holding pond (which does nothing to alleviate the situation) (*Photo 7 and all Diagrams, but Diagram 6 shows what the pond looks like recently*).

We feel like the bigger issue is the water problem due to the storm water run off. We have been working on the issue since we purchased the property—and continue to do so. We feel that the current driveway is a big part of the solution to the problem and we ask for a variance to be able to keep it that way.



Photo 4: You can see Mailand Road is just past 475 McKnight and the fire hydrant, which is 45 yards away from the driveway at 461 McKnight.



Photo 5: Mailand Road. The road just down the street 45 yards.



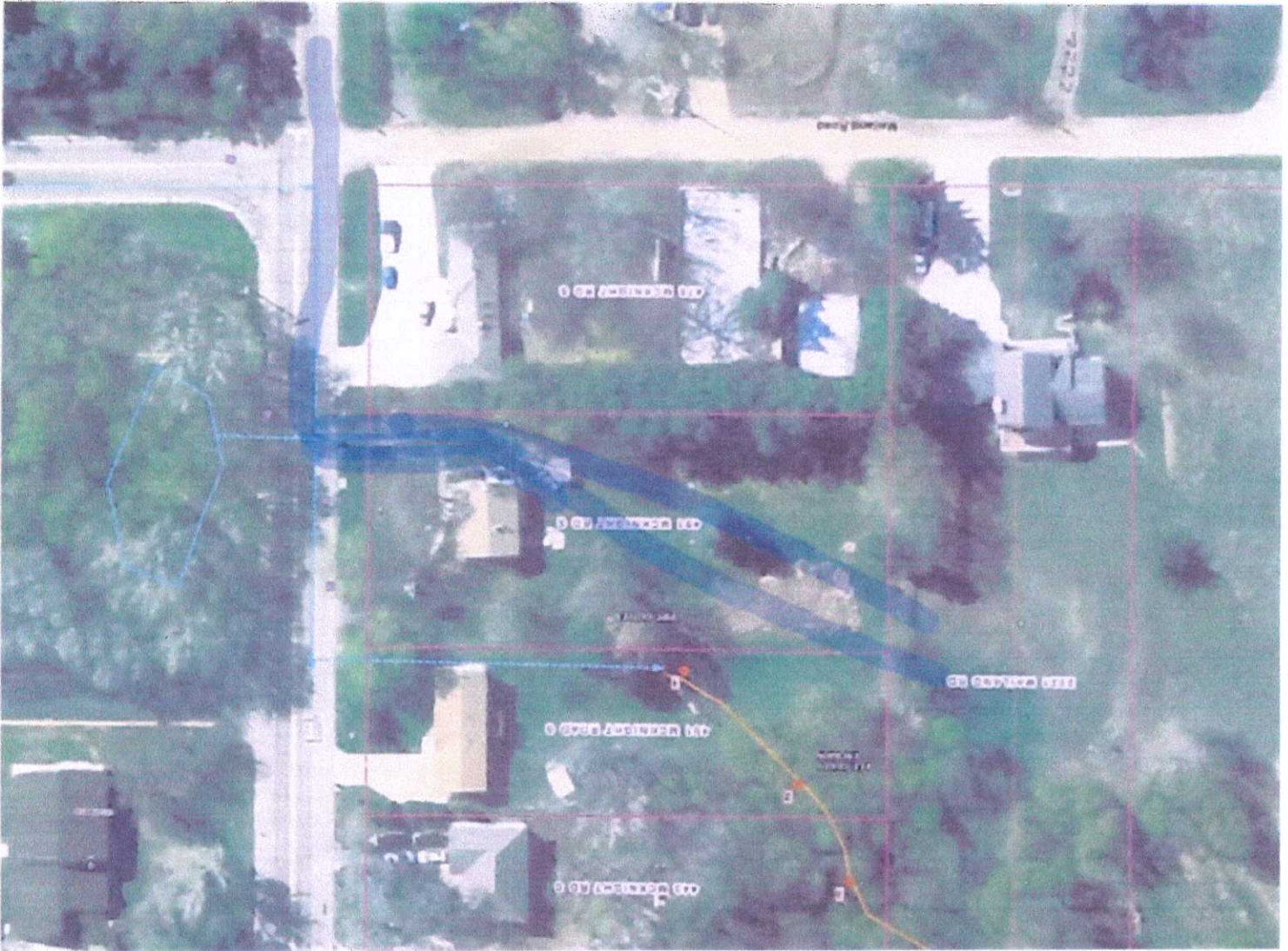
Photo 6: Another view of the storm sewer run off drain near the driveway at 461 McKnight.



Photo 7: Across the street from 461 McKnight. You can see the storm sewer run off drain in the foreground and the holding pond (in Maplewood) on the other side of the street.

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Diagram 1: water flow washing out septic



 Water flow

Brown area under flow is the septic field, or what was the septic field.

Diagram 2: water flow after garage

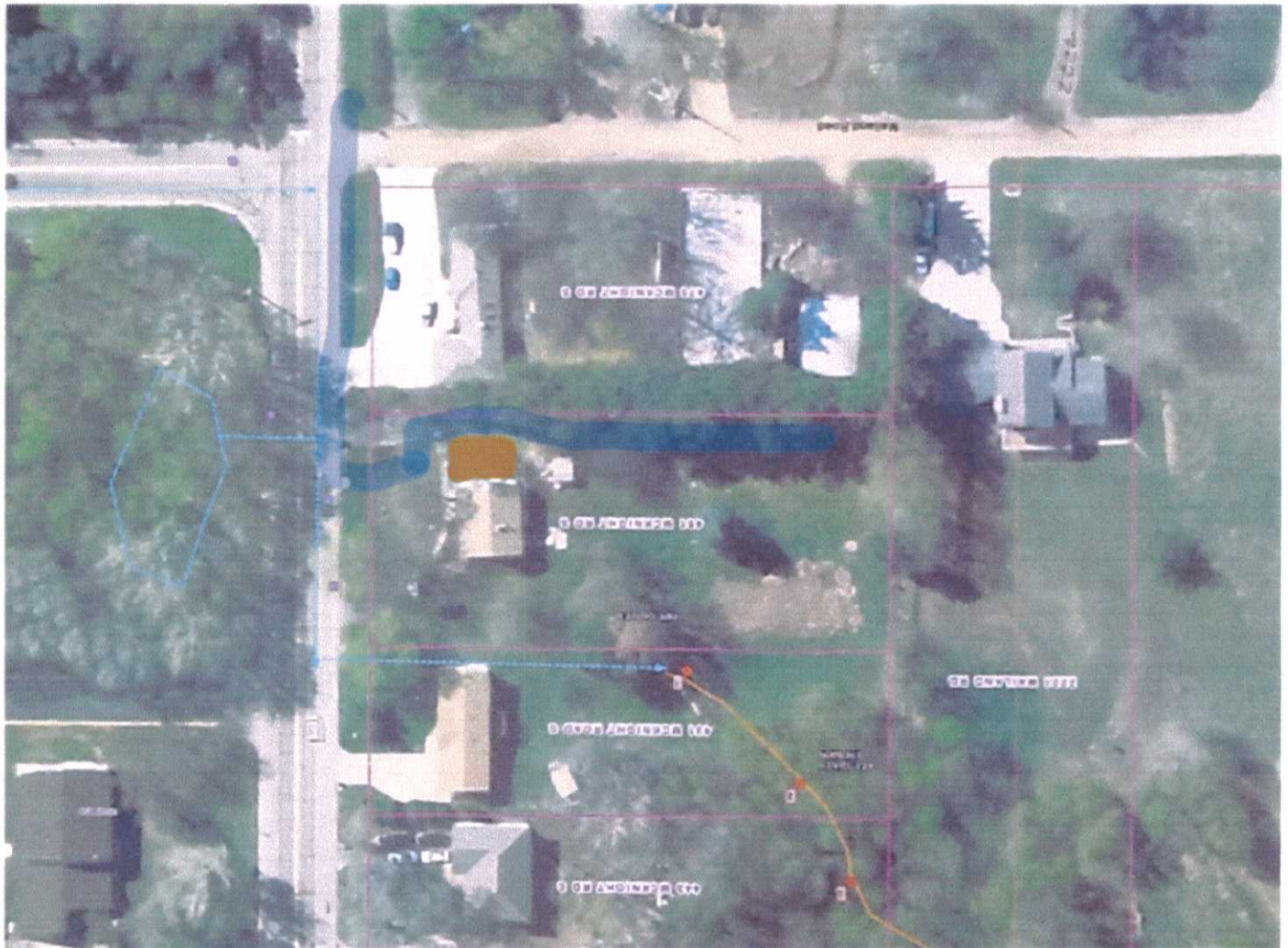


 Water flow

 Garage

Water flow cuts into earth along the wall of the south side of the garage creating a mud flow that covers the patio and part of the yard.

Diagram 3: current water flow since we've been working on the problem

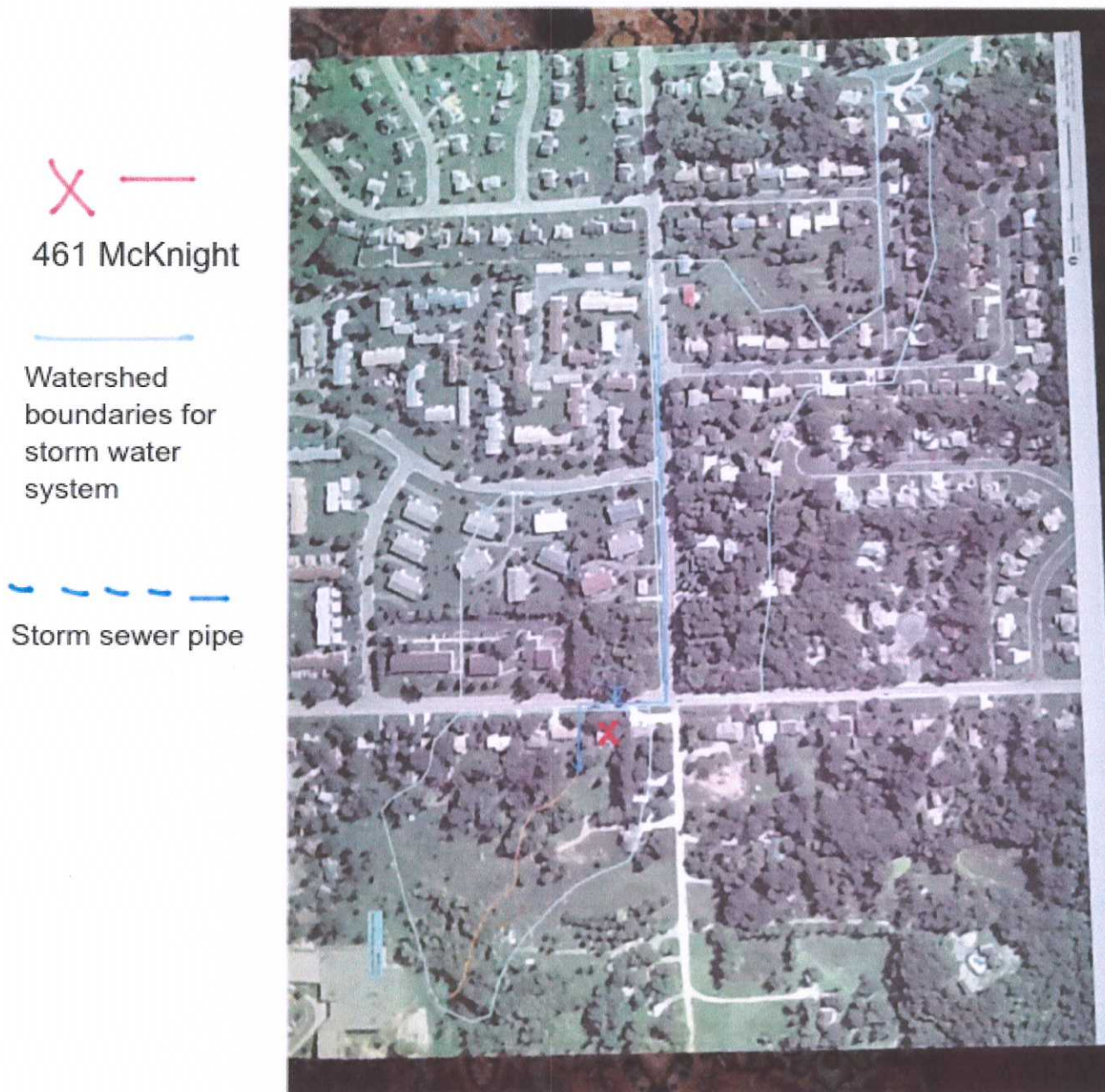


 Water flow

 Garage

A big part of this happy solution is the current class-5 driveway. The water now flows around the garage and along side of the yard into the back where it eventually percolates down.

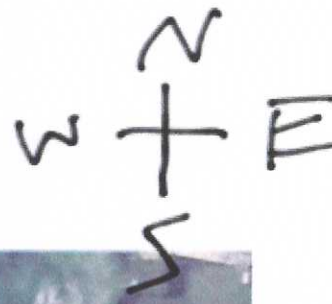
Diagram 4: storm sewer contribution to the problem.



32.5 Acres (mostly from Maplewood) flow into the storm sewer drain, then into the pond, under the street and into our yards. The holding pond doesn't actually hold much-- it just directs a large volume of water into this storm drain--which frequently still overflows the system.

The street drains in front of 461 McKnight are part of this system--which means the water on the street backs up to the point of least resistance and flows down that path. That path is the driveway at 461 McKnight. (see Photo 6)

Diagram 5: class 5 road & neighbors

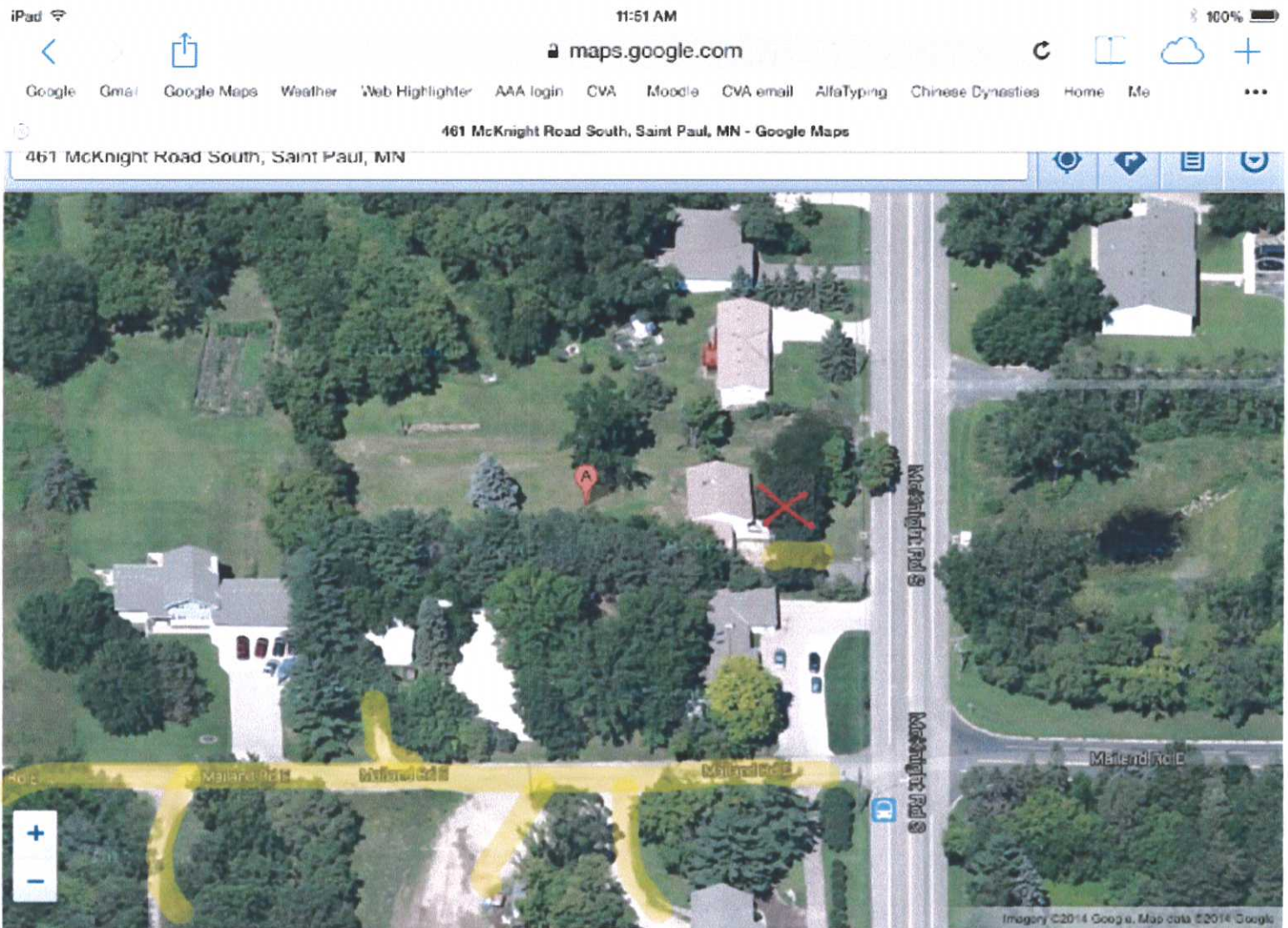


Class 5 road and driveways



461 McKnight

Diagram 6: current view - with Garage



Class 5 road and driveways



461 McKnight

To Whom It May Concern,

I live next store to 461 S. McKnight
at 475 S. McKnight. We have
no problem with the dirt driveway.

Brenda M. Schiller

Paul Schiller

To Whom it may concern,

Appendix B
pg 10

7/24/14

We ARE the tennants of 461 McKnight Rd. S.
And we would prefer that our driveway BE GRAVEL.
There is a problem with water running off the street
And down the driveway. The gravel gives a place for the
water to soak in.

Sincerely,

Patricia Bauersfeld
Jeri Clark

Date : April 24, 2014

Owner of Property : 451 McKnight Road South, St. Paul

To Whom It May Concern:

My name is Ha Le, the owner of the property above.
I don't know the composition of the driveway of
my next door neighbor which is 451 McKnight Road
South, St. Paul.

The make up of this driveway is not a concern
to me.

Sincerely,



Ha Thanh Thi Le