



APPLICATION FOR APPEAL

RECEIVED Saint Paul City Council - Legislative Hearings

AUG 10 2015

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

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 15069 (Cyril))
 - ☐ 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>August 25, 2015</u> Time <u>2:30 p.m.</u> Location of Hearing: <u>Room 330 City Hall/Courthouse</u>
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Address Being Appealed:

Number & Street: 778 University Ave W City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Emily Baldwin Email: EBaldwin@breakingfree.net

Phone Numbers: Business 651-289-2821 Residence _____

Signature: [Signature] Date: 8/10/15 Cell _____

Name of Owner (if other than Appellant): Breaking free

Mailing Address if Not Appellant's: 770 University Ave West

Phone Numbers: Business 651-6454557 Residence _____ Cell _____

What Is Being Appealed and Why? Attachments Are Acceptable

- ☒ Vacate Order/Condemnation/Revocation of Fire C of O Shouldn't have m
- ☐ Summary/Vehicle Abatement _____
- ☐ Fire C of O Deficiency List/Correction _____
- ☐ Code Enforcement Correction Notice _____
- ☒ Vacant Building Registration No case for vacating status,
- ☐ Other (Fence Variance, Code Compliance, etc.) _____



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806Telephone: 651-266-8989
Facsimile: 651-266-1919
www.stpaul.gov/dsi

August 06, 2015

Breaking Free Inc
770 University Ave W
St Paul MN 55104-4805**VACANT BUILDING REGISTRATION NOTICE**

The premises at **778 UNIVERSITY AVE W** 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 **\$2,025.00**. 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 September 06, 2015.

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.



August 10, 2015

RE: Building at 778 University Avenue West

To Whom It May Concern:

On or around June 1, 2013, Breaking Free purchased the parcel at 778 University Avenue West from Bunkhouse Designs, LLC. At that time, Bunkhouse Designs knew that we were a non-profit organization that needed some additional office space. Our primary office location at that time was 770 University Avenue West. Shortly after the closing date, we moved our offices to the building located at 778 University Avenue West.

On January 24, 2015, Bunkhouse Design, LLC received a letter from Stephen Ubl, the City of St. Paul Building Official stating that he had just been informed that the building at 778 was being used as a business. He stated that it was allowed to be occupied as a single family dwelling and that any change must be approved by his office. There were other code requirements that he listed as changes that we were to make. The letter stated that we had ten (10) business days to respond to the notice. Well, we didn't even receive the notice until March 13, 2015 as he mailed it to the incorrect owner of the property.

I had followed up with a letter to Mr. Ubl explaining the history of our purchasing the property and its intended use as well as provided him with a description of who Breaking Free is and how we impact the community. I also met with Mr. Ubl on March 25, 2015 face to face to discuss the same.

After that meeting, we decided that given the improvements that the city wanted us to make, which would cost in the neighborhood of \$60,000, it wouldn't make sense for us to make that investment. We would never get that much money out of the building when it came time to sell. In addition, we were very confused as to why we would need to make any changes. Why now? Where were the city inspectors at closing? We aren't realtors. Why were we able to occupy a building without a COO?

So, we began looking at alternative spaces to purchase along University Avenue. In fact, we spent thousands of dollars for inspections on several different buildings only to find that they were all grossly deficient in being up to city codes and would need thousands of dollars of improvements.

As we approached the July 1, 2015 deadline that Steve Ubl came up with for us to vacate the property at 778 University Avenue, we told him that we would not be able to purchase a building by July 1, 2015 and needed more time since our due diligence in finding a suitable building that didn't need thousands of dollars of repairs was putting us back. Please see attached the Steve Ubl

letter dated April 3, 2015. There were a list of 5 contingencies that he provided us at that time. All but one were reasonable. He tried to have us resurface the parking in the rear yard for residential use. This directive was unreasonable and completely out of line since we purchased the building and nobody disclosed any of this information at that time. We are a small non-profit that exists to help women and girls escape systems of sexual exploitation. We are funded through grants. We don't have money to lay bituminous in an alley or backyard that has existed as such for years, since before we bought the property. And we were in communication with Mr. Ubl along the way.

On July 2, 2015, Steve Ubl transferred the case to the City of St. Paul Department of Safety and Inspections, George Niemeyer. He stated that since we failed to comply with moving out on July 1, 2015, which we were under the assumption that Mr. Ubl would extend our search by 1 month and we would be moving out regardless on August 1, 2015, we were now going to have our COO vacated. We didn't even know that we had one. George Niemeyer, the Fire Inspector that I met with on July 2, provided me with the letter and told me that we need to be out of the office by August 3, 2015. We began to move out that week. With the exception of a few boxes in the basement at 778 University Avenue, we moved out of the office and cleaned it so that we can continue to market it.

On July 8, 2015, I called Carrie at the Department of Safety and Inspections and was told directly that we did NOT need to tend to the deficiency list as LONG AS we were vacating the premises by August 1, 2015. We did just that. We vacated the premises.

On August 3rd, 2015 when Mr. Niemeyer came to inspect 778 University. He slapped us with a Vacant Building Registration Notice. A Vacant Building Registration comes with fines and conditions that we are not able to meet nor do we think it is fair as we have continued to attempt to comply and work with everyone throughout this process. Why are we being fined for doing what we were told?

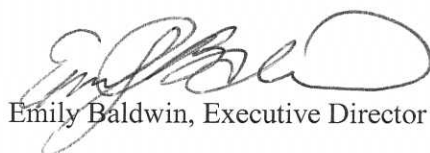
We are 'up to our elbows in alligators' as they say. We feel like we are fighting City Hall and it appears to Breaking Free that we are being redlined.

We need some assistance in this matter. We need all of the signs removed from the building at 778 University Avenue. We need the Vacant Building Status revoked and all other civil or criminal penalties revoked and allow us to sell the building 'as is'. We have maintained the building in the same if not better condition than we bought it in and need the opportunity to sell it without restrictions. Thank you in advance for your advocacy in this matter.

Sincerely,



Terry Forliti, Systems Analyst



Emily Baldwin, Executive Director



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

July 2, 2015

Breaking Free Inc
770 University Ave W
St Paul MN 55104-4805

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 778 UNIVERSITY AVE W Ref. # 120089

Dear Property Representative:

Your building was inspected on July 2, 2015, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code. **A re-inspection will be made on August 3, 2015 at 11:00 am or the property vacated.**

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Basement - Dryer - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.-The dryer was being powered through a power strip.
2. Basement - Electrical panel - NEC 110-26 - Provide and maintain a minimum of 36 inches clearance in front of all electrical panels.-
3. Change of use - Throughout - SBC 3405.1, SBC 110.2 - The occupancy group or use division of this building has been changed from that previously approved. Discontinue the unapproved occupancy or use, or contact the Building Official at 651-266-9021 for a code analysis and to comply with requirements for approved occupancy.-The building use has been changed by the ownership from residential to a "B" or business occupancy. Per letter from Steve Ubl to Terry Forlili dated April 3, 2015 the building was to be reverted back into residential use by July 1, 2015.

4. Exterior - North west corner - SPLC 34.09 (1) b, c, 34.33 (1) b, c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-There was a piece of fascia on the north west corner that is loose, and it appears that birds are getting into the roof area.
5. Exterior - Parking lot - 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.-The entire back yard has been paved and is now parking for the business office. Per letter from Steve Ubl to Terry Forliti dated April 3, 2015 the parking space in the rear yard is to be removed and reestablished for residential use.
6. First floor - North east room - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.
-There was a smoke detector that had been removed from the wall, and was sitting on a shelf.
7. Interior - Throughout - MSFC 901.6 - Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.-
8. North entrance - Stairs/ porch - SPLC 34.09 (1) b, c, 34.33 (1) b, c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Repair the chipping and peeling paint on the front stairs/ porch.
9. Second floor - Hallway - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.
-There was a smoke detector at the top of the stairs that was hanging from the wires.
10. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
11. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

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 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

George Niemeyer
Fire Inspector
Ref # 120089



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

January 24, 2015

Bunkhouse Design Llc
3804 Vincent Ave S
Minneapolis Mn 55410-1122

Re: Job Address: 778 UNIVERSITY AVE W

To Whom It May Concern:

I have been informed that the above reference address is being used as a business. 778 University Ave. W. is only allowed to be occupied as a single family dwelling. Any change in use must be approved by our office.

Any property that is to undergo a change in use, conversion or de-conversion of a residential units/spaces or any commercial or industrial space must submit plans to D.S.I. for review and approval PRIOR to permits being issued. Section 1300.0120 of the 2007 Minnesota State Building code AND the Minnesota State Building Conservation code requires a building permit - **"To construct, alter, repair, move,.....the installation of which is regulated by this code; or cause any such work to be done, shall first make application to the building official AND obtain the required permits."**

The property is not allowed to be used for any type of occupancy other than an R-3, single family dwelling. You must cease all illegal occupancy and submit a proposal to our office with your designs/drawings showing how you intend to use this property as a business (B occupancy). Designed plans/drawings will need to accompany any proposal for our department to determine if the intended use will be allowed.

Failure to comply may result in the issuance of criminal charges and or a civil lawsuit and possible abatement/assessment by the City. Any change in use and all repairs and new installations must be made in accordance with the appropriate codes. Permits may be obtained by calling 651-266-8989.

You may file an appeal to this notice by contacting the Building Official at 651-266-9021. An appeal must be made in writing within in 10 days of this notice. (You must submit a copy of this Notice when you appeal, and pay a filing fee.)

You have ten (10) days to respond to this notice. If you have any questions regarding this matter, you may contact me at 651-266-9021 between 7:30 and 9:00 a.m.

Sincerely,



Stephen Ubl
City of St. Paul Building
Official
Department of Safety & Inspections
375 Jackson St #220
Saint Paul, MN 55101
P: 651-266-9021
F: 651-266-9099
stephen.ubl@ci.stpaul.mn.us

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Received
3-13-15

Administrative
Went sure
When you
would get
here

Forili, I called &
this guy and
left a message.
I did mention
the address wasn't
correct. I also
left both your
and my number.
Okay Thanks Pam

Agna
Bank
between
5th
&
6th

x 9105



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

April 3, 2015

Terry Forliti
Breaking Free
P.O. Box 4366
St. Paul, MN 55104

Re: 778 University Ave. W.

Dear Ms. Forliti:

Thank you for taking the time out of your demanding schedule to meet with me on March 25th and discuss the use of the property at the above referenced address. I am in receipt of your follow-up letter, dated March 25, 2015, regarding your business as well as your future goals for the organization.

As we discussed in our meeting, the property at 778 University Ave W. is approved for a residential use. After you acquired this property it appears that your organization is now using the property as office and storage space. Several letters were sent to you directing your organization to address this change in use that has not been approved by D.S.I. . . . charging us to have a meeting.

At our on-site meeting you offered me a tour of the building to see how Breaking Free was using the building for its operation. You also described goals of the organization as well as its significance to the community. The demand for Breaking Free is charging you to look elsewhere for better accommodations and the letter you sent to me as a follow up to our meeting states that you are intending on moving your operation out of 778 University Ave W. and into 579 Grand Ave. in the near future.

I recognize the significance of your organization and its importance to your clients and the community. It is apparent to me that you intend on moving your operation in the near future out of necessity and truly in the best interest for everyone. At this time, I will allow the use of the property at 778 University Ave W. to be used as a "B" occupancy with the following conditions:

- 1.) NO additional material can be stored in the basement
- 2.) ALL exit access, stairs and exit discharges are to remain clear
- 3.) The use of the building is to revert back to a residential use by July 01, 2015
- 4.) The parking surface in the rear yard is to be removed and reestablished for residential use
- 5.) You must communicate with me regarding ANY changes to this proposed plan for your organization

Thank you for your time and energy on this project. If you have any questions regarding this issue please feel free to contact me.

Sincerely,

Stephen Ubl



**City of St. Paul Building
Official**

Department of Safety & Inspections
375 Jackson St
Saint Paul, MN 55101
P: 651-266-9021
F: 651-266-9099
stephen.ubl@ci.stpaul.mn.us

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City in America



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