



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

JUL 05 2018

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
 - 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	
<i>(provided by Legislative Hearing Office)</i>	
Tuesday, _____	Tuesday, July 10, 2018
Time _____	1:30 p.m.
Location of Hearing:	
Room 330 City Hall/Courthouse	

Address Being Appealed:

Number & Street: 949 Forest City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Wayne Young Email: wry56@comcast.net

Phone Numbers: Business 651-266-6025 Residence N/A Cell 651-894-4526

Signature: *Wayne Young* Date: 7.3.18

Name of Owner (if other than Appellant): Dolores Dunkel

Mailing Address if Not Appellant's: 1535 East 7th Street

Phone Numbers: Business N/A Residence 651-776-0534 Cell N/A

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
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments:

My mother, Dolores Dunkel has been in ill-health over the past two years. This property was originally owned by her husband, Richard Dunkel, from 1962 until his death in 2007. This property has had no renters since 2007 and has been only been occupied by myself (son) and my now grown children (grandchildren) when they were younger. The issues surrounding the property has been very upsetting to her, as health is a continuing concern and she has indicated, periodically, a desire to sell as there is not enough family money to address the issues in this order.



CITY OF SAINT PAUL

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

June 27, 2018

RICHARD A DUNKEL
DOLORES J DUNKEL
1535 7TH ST E
ST PAUL MN 55106-4111

CORRECTION NOTICE - RE-INSPECTION COMPLAINT

RE: 949 FOREST ST
Ref. # 106065

Dear Property Representative:

A re-inspection was made on your building on June 27, 2018, in response to a complaint. You are hereby notified that the following deficiencies must be corrected prior to re-inspection date. A reinspection will be made on July 31, 2018 at 1:00 pm.

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

DEFICIENCY LIST

1. Building - No C of O - Sec. 40.06. - Suspension, revocation and denial.
 - (a) Grounds for revocation. The fire code official may, in writing, issue a notice to the owner(s) and known interested parties of the city's suspension or revocation of a fire certificate of occupancy issued under the provisions of this code, or deny an application therefor:
 - (1) Whenever the certificate was issued in error, or on the basis of incorrect information supplied;
 - (2) When the owner(s) has submitted a false, incomplete or inaccurate statement as a part of the application for certificate;
 - (3) If it is found upon inspection of the fire code official that the building or occupancy is in violation of provisions of this or other applicable safety codes, ordinances, rules and regulations;
 - (4) If the owner, in a material matter, fails to comply with the regulations in section 40.09 of this chapter; or in situations where the fire code official after a good faith effort cannot identify an owner or interested party;
 - (5) If the nonresidential building becomes unoccupied or a vacant building as defined in section 43.02 of the Saint Paul Legislative Code;

(6) If a residential building becomes unoccupied or is a vacant building as defined in section 43.02 of the Saint Paul Legislative Code;

(7) Evidence of nuisance activity which shall follow the procedures stated in subsection (b)(2) below; or

(8) If a tenant, leaseholder, or third party payer files a written request for revocation following an owner's violation of Saint Paul Legislative Code chapter 53 which requires that owners notify tenants of pending mortgage foreclosure or cancellation of contract for deed involving the property.

(b) Notice of suspension, revocation or denial.

(1) When the fire code official revokes, suspends or denies a fire certificate of occupancy for safety code violations, the notice shall state:

a. The specific reason(s) for the city's suspension, revocation or denial of the fire certificate of occupancy;

b. The effective date of the revocation, suspension or denial of the fire certificate of occupancy;

c. A statement indicating that the commercial building or residential occupancy, or portion thereof, shall not again be used or occupied until such time as the said certificate is issued or renewed or suspension lifted following inspection and a determination by the fire code official that the commercial building or residential occupancy, or portion thereof, is in compliance with applicable safety codes; and

d. A statement indicating that the suspension, revocation, or denial may be appealed to the legislative hearing officer within ten (10) days of issuance.

(2) When the fire code official determines in consultation with the city attorney that he or she has evidence of nuisance activity as described in Minnesota Statutes § 617.81, subdivision 2, or other violations of nuisance provisions of the Saint Paul Legislative Code are maintained or permitted in the jurisdiction he or she serves, the fire code official shall provide the written notice as described in paragraph a), by personal service or certified mail, return receipt requested, to the owner and interested parties.

a. The notice must:

1. State that a nuisance as defined in Minnesota Statute § 617.81 Subdivision 2, or other violations of the nuisance provisions of the Saint Paul Legislative Code, is maintained or permitted in the building and must specify the kind or kinds of nuisance being maintained or permitted;

2. Summarize the evidence that a nuisance is being maintained or permitted in the building, including the date or dates on which the nuisance-related activity or activities are alleged to have occurred;

3. Inform the recipient that failure to abate the conduct constituting the nuisance or to otherwise resolve the matter with the fire code official by entering into an agreed upon abatement plan within thirty (30) days of service of the notice will result in-

2. Building - No C of O - Sec. 40.01. - Fire certificate of occupancy requirement.

(a)

All existing buildings in the city are required to have and maintain a fire certificate of occupancy, issued by the department of safety and inspections. The fire certificate of occupancy shall be an indication that the building meets, at the time of inspection, all relevant codes to maintain the health, safety and welfare of the building's occupants and the general public.

(b)

Provisional fire certificate of occupancy. When an owner-occupied dwelling changes to a rental dwelling unit, the owner of the dwelling must submit a completed application for a provisional

certificate of occupancy, a completed owner's self evaluation affidavit and pay the fee for a provisional certificate of occupancy within thirty (30) days of the change in use.

-A C of O is required for this property. Complete and return the provisional C of O application and return to this office.

3. Exterior - Front - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Provide chain links for fence in the front yard where missing or remove the fence.

4. Exterior - Garage - MSFC 505.1 - Provide address numbers on building.-Provide address number on the garage.

5. Exterior - Garage - SPLC 34.09 (2), 34.33 (1) - Provide and maintained the roof weather tight and free from defects.-Repair roof on the garage.

6. Exterior - House and Garage - SPLC 34.09 (1)(2), 34.33 (1) - 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.-Paint where chipped and peeling paint is on the house and garage. Repair siding and wood where rotting, peeling and in disrepair throughout the house and paint where chipped and peeling. Repair soffits and fascia near the roof on the house and garage.

7. Exterior - West - SPLC 34.09 - Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in a professional state of maintenance and repair.-Repair damaged hatchway door in an approved manner. This work may require a permit. Call DSI at 651-266-8989 for more information.

8. Exterior - SPLC 34.33 (3) - Repair and maintain the door in good condition.-Repair trim by the Southwest door.

9. Exterior - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair trim on the porch on the West side of the house.

10. 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 651-266-8989.-Repair driveway.

11. Exterior - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window glass.-Provide window glass where missing on the top floor South side of the house and Southeast side on the first floor.

12. Exterior - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window frame.-Repair wood on the window frames on the South side of the house on the first and second floor.

13. Exterior - SPLC 34.10 (3), 34.34(2) - Repair or replace the unsafe stairway in an approved manner.-Repair concrete stairs in an approved manner by the West porch. This work may require a permit, contact DSI at 651-266-8989 for more information.
14. Front porch - Ceiling - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner.
15. Gas meter - Protection - MSFC 603.9- Call Xcel Energy at 1-800-895-4999 to provide vehicle impact protection for the gas meter.
16. House - Roof - SPLC 34.09 (2), 34.33 (1) - Provide and maintained the roof weather tight and free from defects.-Repair roof on the house where shingles are deteriorating and crumbling.
17. Interior - Throughout - SPLC 34.19 - Provide access to the inspector to all areas of the building.-Failure to comply may result in enforcement action.

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 the original orders.

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 city in which to live and work.

Sincerely,

George Niemeyer
Fire Inspector

Ref. # 106065