

Vang, Mai (CI-StPaul)

From: CouncilHearing (CI-StPaul)
Sent: Wednesday, August 26, 2020 8:04 AM
To: Moermond, Marcia (CI-StPaul); Vang, Mai (CI-StPaul)
Subject: FW: Appeal for Property at 1055 Bradley Street September 2, 2020 at 3:30 p.m.



Katie Burger
Executive Assistant
Saint Paul City Council
15 West Kellogg Boulevard, Suite 310
Saint Paul, MN 55102
P: 651-266-8567
F: 651-266-8574
kathryn.burger@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

From: happert1 <heatherappert@gmail.com>
Sent: Tuesday, August 25, 2020 5:05 PM
To: CouncilHearing (CI-StPaul) <CouncilHearing@ci.stpaul.mn.us>
Subject: Re: Appeal for Property at 1055 Bradley Street September 2, 2020 at 3:30 p.m.

to whom it may concern,

please use this addition as it had a few errors i wished to correct:

Dear City Council,

Thank you for your time in considering my variance request for my home at 1055 Bradley. I respectfully wish to appeal the decision made on August 18, 2020 at the Legislative Hearing overseen by Marcia Moermond, the Legislative Hearing Officer, who recommended that the City Council grant a 1-foot variance for a total fence height of 8 feet.

I feel that there are circumstances that warrant a more extensive review to my experience living at 1055 Bradley street that would meet the conditions necessary for the variance of 10 feet. First, let it be known that according to Stephen Ubl, it is a structure accessory, not a fence. The 4/6/14 foot treated posts were planted 6 inches inside our property line spaced every 10 feet for 60 feet with a total of 7 posts. They were planted 36 inches deep using pea rock and bags of concrete. My brother, Bob Appert, is a home builder and my friend, Bob LaBrosse, is the head inspector for the city of Cottage Grove, and they both held advisory roles assuring that it would be structurally sound. Cable will be attached to the dead end post using a 3/8 inch lag bolt, thimbles, and cable clips. They will thread through all posts to attach to the last post with a turnbuckle and hook bolt so we can continually tune in the tension. These horizontal cables will run every 12 inches and will eventually be covered in Boston Ivy. Chosen for its beautiful colors that change with the seasons, the ivy is a fast grower and it will soon be a wall of spectacular green and then red. To prevent sag and lean, we will secure the posts with boards across the top that we will screw in. As mentioned, these posts were planted and, if the event that we don't get the variance, we will cut off the posts at the top to 8 feet.

Our neighbors to the north that we share the property line with have a decaying railroad tie fence that is 4 feet high that is holding back their yard soil with the 4 feet of elevation change. This is topped with a similarly decaying redwood fence that sits 4 feet high, as well. This double dipped aging fence runs 60 feet from the back where it takes a slight jog 10 inches or so to a boulder retaining wall that runs the rest of the way east to the front yard. Both fences lie around 18 inches INSIDE their property line. This was unknown to us upon purchase, and them apparently, because it appeared to have been our yard. They do not keep it up the 18 inches that lie inside the property line, nor am I told, did the previous owners. Just looks from all appearances that it has been part of the 110 year old yard on my property for 110 years. They do not maintain these areas. Of note, when we moved in there were well established saplings and suckers growing all over the boulder wall. Assuming it was mine, I cleaned it up so at least it doesn't look as neglected. One other noteworthy concern is the northwestern portion of the railroad tie wall is falling in. The owners before us built an alley side retaining wall to run perpendicular to that sagging portion of their fence out of larger, decorative concrete blocks to hold it back. That supportive wall is experiencing enough pressure from their heaving wall it is now pressing into our garage.

I initially offered to buy a 6 foot cedar dog ear fence to replace their southern fence to which the husband agreed. After spending \$1,500 to replace it, when we asked when we could install the fence for him, he said he had to ask his wife. 15 minutes later as we waited on the sidewalk, they came out angry and panicking saying if we did that we could possess her home. We even had an attorney draw up a letter of non-possession to help ease this irrational idea. Obviously, I returned the fencing because we are here now.

If we had installed that fence it would have made the combined railway tie retaining wall, which is flush to their yard, 10 feet high. From our floating deck of 18 inches, we can see the neighbor mowing the lawn when we have our dinner parties because that is when he likes to mow, apparently. We see his shirtless torso and strained red face, slamming around a dirty, loud lawn mower, kicking up dust and blowing it over our appetizers, which is entertaining for about 30 seconds. The elevation change is a real issue for us and this fence is an attempt to gain privacy in a way that is lovely from both sides of the fence. They also will get to enjoy the beautiful ivy as they get the same view. If they chose to build a 6 foot high fence, with the 4 foot retaining wall it will be built upon, that would match our structure accessory height if we were to receive the variance.

That explains our elevation concerns which is one of the three points that is considered for a variance, although the other two do play into this elevation change since we just see so much more of them, their animals and their property, as we are sunken low. The animal concerns. Ms. Moermond did conduct a site visit, however, it came up clean. They are doing a better job, in part, because they have had a complaint or two and been visited. They have a 150# pig and 150# great Pyrenees who they say is nocturnal. Bred to be so which is why he was allowed out at all hours of the night for the first 8 months of our time here, waking us up every night. He finally listened when someone else made a complaint to animal control. I did the courtesy of asking him to stop which is when I learned they truly believe him to be a nocturnal dog bred. The all hours night time barking has stopped, thankfully, but Adam the Nocturnal dog, who seems actually sweet just gigantic, still barks whenever he is outside, jumping on the decaying fence that I am just waiting for him to break down. This dog has already knocked me over once when I went to talk to them about the fence panels we had purchased. I thought he was inside; he was not and they had to pull him off me. He does not listen to his owners as we see them chasing him all over the yard to try to get him to obey. I do not want this dog accidentally in my yard and our living fence will be a barrier to that seemingly inevitable event. The pig, Henrietta. Is hard for us to look at her since she is so grossly overweight it appears cruel. She does spend a lot of her time indoors, but the feces does not, and draws a specific fly to our yard. Small flies that can get in screens which I pay to have sprayed a few times a year by Plunket's pest control. We also have a larger black fly that our pest control says is coming from the dog feces. The living fence will hopefully be a barrier to these flies to some extent, anyway.

The third point of a fence that will allow a secure barrier is that they appear to be paranoid to such an extreme that after they went back on their word that we could install the cedar fence, and we tried some vary fair, reasonable and minimal attempts to make try and explain that we would not have any ownership of the fence but would be all theirs, they installed a camera and what appears to be a microphone on the south side of their house that looks directly into our

kitchen and backyard. This seems like a site condition to me. Not one person who has come to visit thinks this is reasonable, and most are extremely uncomfortable about it, as are we. At 10 feet, we can have more privacy from the camera. Ms. Moermond had a comment/question that can't they just raise it again. They could, but it would need an extension ladder and there is a bay window to work around, so I think we would be good. The fence portion that goes past our kitchen would block the windows so at least they would not be looking in our house where we spend a lot of time. There are no laws in this state yet that say you can't point a camera in someone's house. Which seems ridiculous, nonetheless, true. A 10 foot fence would hide us from that obvious and unneighborly violation of our privacy.

One more note that struck me when Ms. Moermond was explaining the reason to keep standard specs on fences is to keep the neighborhood neighborly. I love that idea, and wish I had neighborly neighbors. I pride myself on being a caring, enjoyable neighbor to have, in fact, my 12 years at Como led me to use one of my neighbors as a reference for employment, specifically asking him to denote why I am a good neighbor. I am sandwiched between two very challenging neighbors. The ones to our north you have just heard about, to my south, across the street is a house owned by a darling Hmong woman who does not speak English well, and who widowed as a young mother, raised her 8 kids in that house. I care about her welfare and genuinely adore her. She says she has 8 kids, 6 good ones, two bad. The 'two bad' live with her. Unemployed, uneducated and out of shape, these sons run an illegal pharmacy business open 24/7. There was a raid on the house a few months before we moved in and there was not enough evidence to convict the sons, yet they have continued to flex this muscle. Their mother tries to control it, but just can't. We have seen arrests, an abduction, and many escalated instances where the police are called several times a week. On top of the drug store they run, they also run a street car repair shop, mainly supping up mufflers and subwoofers. Probably goes without saying that their customer base is not neighborly, nor are the sons obviously, but there is also continuing drama around this house. The side fence, which I have a permit for, will help support a sort of protection from these disrespectful disrupters of peace.

We don't live in Maplewood, or Stillwater, or Shorewood. We live in a city that has now seen double growth in homicide this year already. We live in a city that is experiencing white flight. Born on the east side of Lake Phalen, I found my way back to St Paul to raise my kids and have had 4 addresses here in the last 20 years: Como, Cathedral Hill, Wheelock by Phalen and now Bradley Hill. I believe in this place. I want to spend my money in this town. You know, do my part to make it better. I moved in knowing that these two neighbors, one to my north and one to the south, were going to be a challenge to 'neighborly'. Sadly, they have proven to be so challenging, I am considering moving out, and this time, it won't be in St Paul. Too many risks for me. I believe we can find neighbors in our neighborhood, when it is as urban as St Paul, just not right next door. We have met amazing people here. People that believe in equality, that fight for justice, that are kind and want to have a drink and share a meal. We have done a lot to improve our home and we hear the feedback from the many people that walk saying they love what we are doing to the neighborhood. We love the house and St. Paul. We don't love a nocturnal dog that barks all night at the traffic driven by the open all hours drug store next door.

Appealing to the understanding that what once worked may not work anymore, and that change is possible and important, it is my hope that a structural accessory, of a fence, that is out of spec, may be given special consideration. If it means that the owners will feel more protected, less violated and happy in their investment of something as big as where they choose to live their lives, I believe it does warrant a new look.

I leave with the message that this living structural screen I wish to make a bit higher is a light structure, a natural bird feeder with its berries, and importantly, was thoughtfully designed with the view that the neighbors to the north of me can enjoy, as well. It is the same vines on the same good looking fence that allow for an urban oasis in chaotic times in an intense neighborhood.

Thank you for the time and contemplation. It means a lot that you take what I write seriously as I have poured a lot of love into this house and St. Paul and hope to be able to shape it for the better. It takes a village, but a village is made from individual effort or drag. I chose effort and want privacy from the drag.

Sincerely,

Heather Appert

On Mon, Aug 24, 2020 at 3:54 PM happert1 <heatherappert@gmail.com> wrote:

Dear City Council,

Thank you for your time in considering my variance request for my home at 1055 Bradley. I respectfully wish to appeal the decision made on August 18, 2020 at the Legislative Hearing overseen by Marcia Moermond, the Legislative Hearing Officer, who recommended that the City Council grant a 1-foot variance for a total fence height of 8 feet.

I feel that there are circumstances that warrant a more extensive review to my experience living at 1055 Bradley street that would meet the conditions necessary for the variance of 10 feet. First, let it be known that according to Stephen Ubl, it is a structure accessory, not a fence. The 4/6/14 foot treated posts were planted 6 inches inside our property line spaced every 10 feet for 60 feet with a total of 7 posts. They were planted 36 inches deep using pea rock and bags of concrete. My brother, Bob Appert, is a home builder and my friend, Bob LaBrosse, is the head inspector for the city of Cottage Grove, and they both held advisory rolls assuring that it would be structurally sound. Cable will be attached to the dead end post using a 3/8 inch lag bolt, thimbles, and cable clips. They will thread through all posts to attach to the last post with a turn buckle and hook bolt so we can continually tune in the tension. These horizontal cables will run every 12 inches and will eventually be covered in Boston Ivy. Chosen for its beautiful colors that change with the seasons, the ivy is a fast grower and it will soon be a wall of spectacular green and then red. To prevent sag and lean, we will secure the posts with boards across the top that we will screw in. As mentioned, these posts were planted and, if the event that we don't get the variance, we will cut off the posts at the top to 8 feet.

Our neighbors to the north that we share the property line with have a decaying railroad tie fence that is 4 feet high that is holding back their yard soil with the 4 feet of elevation change. This is topped with a similarly decaying redwood fence that sits 4 feet high, as well. This double dipped aging fence runs 60 feet from the back where it takes a slight jog 10 inches or so to a boulder retaining wall that runs the rest of the way east to the front yard. Both fences lie around 18 inches INSIDE their property line. This was unknown to us upon purchase, and them apparently, because it appeared to have been our yard. They do not keep it up the 18 inches that lie inside the property line, nor am I told, did the previous owners. Just looks from all appearances that it has been part of the 110 year old yard on my property for 110 years. They do not maintain these areas. Of note, when we moved in there were well established saplings and suckers growing all over the boulder wall. Assuming it was mine, I cleaned it up so at least it doesn't look as neglected. One other noteworthy concern is the northwestern portion of the railroad tie wall is falling in. The owners before us built an alley side retaining wall to run perpendicular to that sagging portion of their fence out of larger, decorative concrete blocks to hold it back. That supportive wall is experiencing enough pressure from their heaving wall it is now pressing into our garage.

I initially offered to by a 6 foot cedar dog ear fence to replace their southern fence to which the husband agreed. After spending \$1,500 to replace it and we asked when we could install it that he said he had to ask his wife, who panicked and said that if we did that we could possess her home. We even had an attorney draw up a letter of non-possession to help ease this irrational idea. Obviously, I returned the fencing because we are here now.

If we had installed that fence it would have made the combined railway tie retaining wall, which is flush to their yard, 10 feet high. From our floating deck of 18 inches, we can see the neighbor mowing the lawn when we have our dinner parties because that is when he likes to mow, apparently. We see his shirtless torso and strained red face, which is entertaining for about 30 seconds. The elevation change is a real issue for us and this fence is an attempt to gain privacy in a way that is lovely from both sides of the fence. They also will get to enjoy the beautiful ivy as they get the same view. If they chose to build a 6 foot high fence, with the 4 foot retaining wall it will be built upon, that would match our structure accessory height if we were to receive the variance.

That explains our elevation concerns which is one of the three points that is considered for a variance, although the other two do play into this elevation change since we just see so much more of them, their animals and their property,

as we are sunken low. The animal concerns. Ms. Moermond did conduct a sight visit, however, it came up clean. They are doing a better job, in part, because they have had a complaint or two and been visited. They have a 150# pig and 150# great Pyrenees who they say is nocturnal. Bred to be so which is why he was allowed out at all hours of the night for the first 8 months of our time here, waking us up every night. He finally listened when someone else made a complaint to animal control. I did the courtesy of asking him to stop which is when I learned they truly believe him to be a nocturnal dog bred. The all hours night time barking has stopped, thankfully, but Adam the Nocturnal dog, who seems actually sweet just gigantic, still barks whenever he is outside, jumping on the decaying fence that I am just waiting for him to break down. This dog has already knocked me over once when I went to talk to them about the fence panels we had purchased. I thought he was inside; he was not and they had to pull him off me. He does not listen to his owners as we see them chasing him all over the yard to try to get him to obey. I do not want this dog accidentally in my yard and our living fence will be a barrier to that seemingly inevitable event. The pig, Henrietta. Is hard for us to look at her since she is so grossly overweight it appears cruel. She does spend a lot of her time indoors, but the feces does not, and draws a specific fly to our yard. Small flies that can get in screens which I pay to have sprayed a few times a year by Plunket's pest control. We also have a larger black fly that our pest control says is coming from the dog feces. The living fence will hopefully be a barrier to these flies to some extent, anyway.

The third point of a fence that will allow a secure barrier is that they appear to be paranoid to such an extreme that after they went back on their word that we could install the cedar fence, and we tried some very fair, reasonable and minimal attempts to make try and explain that we would not have any ownership of the fence but would be all theirs, they installed a camera and what appears to be a microphone on the south side of their house that looks directly into our kitchen and back yard. This seems like a site condition to me. Not one person who has come to visit thinks this is reasonable, and most are extremely uncomfortable about it, as are we. At 10 feet, we can have more privacy from the camera. Ms. Moermond had a comment/question that can't they just raise it again. They could, but it would need an extension ladder and there is a bay window to work around, so I think we would be good. The fence run past our kitchen would block the window. So at least they would not be looking in our house where we spend a lot of time. There are no laws in this state yet that say you can't point a camera in someone's house. Which seems ridiculous, none the less, true. A 10 foot fence would hide us from that obvious and unneighborly violation of our privacy.

One more note that struck me when Ms. Moermond was explaining the reason of variances is to keep the neighborhood neighborly. I love that idea, and wish I had neighborly neighbors. I pride myself on being a caring, enjoyable neighbor to have, if fact, my 12 years at Como led me to use one of my neighbors as a reference for employment, specifically asking him to denote why I am a good neighbor. I am sandwiched between two very challenging neighbors. The ones to our north you have just heard about, to my south, across the street is a house owned by a darling Hmong woman who does not speak English well, and who widowed as a young mother, raised her 8 kids in that house. I care about her welfare and genuinely adore her. She says she has 8 kids, 6 good ones, two bad. The two bad live with her. Unemployed, uneducated and out of shape, these sons run a illegal pharmacy business open 24/7. There was a raid on the house a few months before we moved in and there was not enough evidence to convict the sons, yet they have continued to flex this muscle. They mother tries to control it, but just can't. We have seen arrests, an abduction and many escalated instances where the police are called several times a week. On top of the drug store they run, they also run a street car repair shop, mainly supping up mufflers and subwoofers. Probably goes with our saying that their customer base is not neighborly, nor are the sons obviously, but there is also continuing drama around this house. The side fence, which I have a permit for, will help support a sort of protection from these disrespectful disrupters of peace.

We don't live in Maplewood, or Stillwater, or Shorewood. We live in a city that has now seen double growth in homicide this year already. We live in a city that is experience white flight. Born on the east side of Lake Phalen, I found my way back to St Paul to raise my kids and have had 4 addresses here in the last 20 years: Como, Cathedral Hill, Wheelock by Phalen and now Bradley Hill. I believe in this place. I want to spend my money in this town. Do my part to make it better, but I moved in knowing that these two neighbors, one to my north and one to my right were going to be a challenge to neighborly. And they have proven to be so challenging I am considering moving out and this time it won't be in St Paul. Too many risks for me. I believe we can find neighbors in our neighborhood when it is as urban as

St Paul, just not right next door. We have met amazing people here. People that believe in equality, that fight for injustice, that are kind and want to have a drink and share a meal. We have done a lot to improve our home and we hear the feedback from the many people that walk by to admire. We love it. We don't love nocturnal dogs barking all night at the traffic driven by the all hours drug store next door.

Appealing to the understanding that what once worked may not work anymore, and that change is possible and important, it is my hope that a structural accessory, of a fence, that is out of variance, may be given special consideration, if it means that the occupants will feel more safe, less violated, in their investment of something as big as where they wish to live their lives.

I leave with the message that this living structural screen I wish to make a bit higher is light and natural, a bird feeder with its berries, and importantly, was thoughtfully designed with the view that the neighbors to the north of me would experience. It is the same vines on the same good looking fence.

Sincerely and Gratefully,

Heather Appert