



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, October 28, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Colleen Walbran, Attorney, Southern Minnesota Regional Legal Services (SMRLS), appeared on behalf of Lisa Barrett.
Boris Tsvetovaty, BLM Management Group, property manager, appeared.

Ms. Moermond:

-

Remove/Repair Orders

- 1 [RLH RR 14-19](#) Ordering the razing and removal of the structures at 747 LAWSON AVENUE EAST within fifteen (15) days after the November 19, 2014, City Council Public Hearing.

Sponsors: Bostrom

No one appeared.

Inspector Steve Magner, Vacant Buildings:

- 1-story wood frame single family dwelling with a detached 1-stall garage on a lot of 4,792 square feet
- has been a vacant building since Dec 2, 2011
- current owners are James Greathouse and Luann Greathouse per Ramsey County
- May 14, 2014 inspection of building conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building was posted May 20, 2014; compliance date Jun 19, 2014
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of land: \$10,000; \$25,000 on the building
- real estate taxes for 2008 through 2013 are delinquent in the amount of \$27,499.09 including penalty and interest. Taxes for 2014 are delinquent in the amount of \$6,756.48. (Scheduled for tax forfeiture Jul 2015)
- VB registrations fees were paid by assessment Jan 3, 2014
- as of Oct 27, 2014, a Code Compliance Inspection has not been done
- as of Oct 27, 2014, the \$5,000 performance deposit has not been posted
- 28 Summary Abatement Notices since 2011
- 35 Work Orders issued for: garbage/rubbish; boarding/securing; tall grass/weeds; snow/ice

- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$12,000
- DSI Division of Code Enforcement recommends removing the structure within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- bungalow built in 1911; original owner was Paul Peterson
- was identified in the first city-wide survey done in 1983; an inventory form was completed and an inventory number was assigned: RASPC4225; one of the first 6000 properties that were inventoried in Saint Paul
- new storm windows were added since 1983
- it's not common to find a bungalow with such a peculiar combination of roof lines, hipped roof, dormer and front gabled porch roof
- the inventory form says that it was built in 1905 but the actual date is 1911 (not sure if verified)
- there's no potential district around it
- 2011, this area was part of Saint Paul's more recent survey and it was not re-identified as having potential as an historic resource
- did not see a lot of interior photos; there's some built-ins; some of the trim is missing; has early columns in the porch still present; it was probably enclosed from early on
- the main house siding has been covered with vinyl or steel
- foundation is contour block - original
- looks like everything is still present on this block that was there originally, except for 777 Lawson, which was on a corner
- all the other buildings on the block are much bigger and have nice architectural detailing - all from the same time period
- this building does not have potential for designation as an historic resource
- she would encourage rehab, if possible
- it's right across from a school

Ms. Moermond:

- asked if staff has been in the building recently; is the list old or new?

Mr. Magner:

- the list was identified when they inspected Jun 2014
- the electric, plumbing have been stripped out
- many people have vandalized this building and created much additional damage
- a lot of on-going maintenance for 2 years

Ms. Moermond:

- will recommend removing the building within 15 days with no option for rehabilitation.

Referred to the City Council due back on 11/19/2014

11:00 a.m. Hearings

Summary Abatement Orders

- 2 [RLH SAO 14-40](#) Appeal of Juliann Geis to a Summary Abatement Order at 1126 SUMMIT AVENUE.

Sponsors: Thune

Juliann Geis, owner, and another woman appeared.

Inspector Mark Kaisersatt:

- *received a complaint on Aug 13, 2014 that said, "Chest and bench on blvd."*
- *they went out to take a look and there's a small park bench and bird bath (not a bench) on the blvd*
- *he was surprised to see the complaint because there are quite a few benches and bird baths on the blvd in the neighborhood*
- *since it's in the Right-of-Way, they sent a Correction Notice*
- *Ms. Geis contacted me shortly thereafter and asked, "What is the problem with this?" He explained that it was on the public right-of-way and nothing is supposed to obstruct that; he directed her to Dave Kuebler, who works with the right-of-way permits for the city; she contacted him*
- *He also contacted Mr. Kuebler but there was no response; after a couple of months, he wrote a Summary Abatement Order and discussed the appeal process with Ms. Geis*

Ms. Geis:

- *their goal had been to have a place for people to sit and rest*
- *4 years ago, they bought the bench and put it out front; it was almost taken 4 times*
- *a little old lady had been walking by everyday and sit on their steps*
- *they would have placed the bench on their lawn but there's an incline in their lawn*
- *the bench on the blvd was being used but every Sat morning, some one would try to move the bench so, she tied ribbons around it, hoping that would keep people from wanting to take it; then, another Sat morning, a woman started to take it; she said, "I'm cutting the ribbons off; where I'm from, if there are ribbons on something, it's free."*
- *so, they decided to make it look more purposeful, even though there are many benches in the neighborhood close by, that aren't taken; sometimes, there are 2 benches or 1 bench and a garden, etc.; this year, they put a flower container with planted flowers next to the bench and so far, it has not been taken*
- *the bench has been used for the marathon and other events; plus, hundreds of people walk and ride by and sit there for a while*
- *they are trying to welcome people as others have done in the neighborhood*
- *is appealing to try to keep the bench and flower container there*
- *Mr. Kuebler was very concerned that it be back away from the street and sidewalk*
- *she also followed up with Mr. Ung but he did not get back to her*
- *they want to make sure they are legal and respectful*

Ms. Moermond:

- *read from Chapter 105 of the legislative code: It shall be unlawful ... for any person to erect or maintain any booth or structure of any kind, whatever, upon any of said boulevards or streets ... or any obstruction there on. This is talking structure - loosely could mean a bench.*
- *read from Chapter 106: some contradictory language here, she thinks. One sentence says, "The primary purpose of a public sidewalk or other right-of-way is to provide safe access to the public to travel from place to place. It is the intent of this ordinance to maintain that primary purpose at all times."*
- *under this, she thinks that the bench is absolutely fine; it's not a structure as discussed earlier*
- *"No person shall encumber or obstruct any sidewalk, lane, alley, public ground, public landing, wharf or pier or other public place, placing thereon or therein any building materials, carriages, carts, wagons, sleighs, lumber, posts, awnings, signs, whatever...." - that could be construed to be anything thereon*
- *looking at this issue and at Summit Avenue, this is not what the ordinance was intended to cover; this is a bench and as long as it's far enough back to not be an*

obstruction for snow plows, then, she doesn't think that it is an obstruction
- will recommend granting this appeal
Grant the appeal provided the bench and bird bath are kept 5 ft away from the blvd.

Referred to the City Council due back on 11/19/2014

3 [RLH SAO 14-41](#) Appeal of Todd Erickson to a Vehicle Abatement Order at 2274 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Todd Erickson, tax owner, appeared.

Inspector Ed Smith:

- he went back out Oct 10, 2014 to re-inspect the property and he found 2 disabled vehicles, a smaller trailer and a large commercial semi-trailer on the property; he issued a Summary Abatement Order to have all of them removed
- the owner filed an appeal on Oct 16
- since Oct 10, Mr. Erickson has gotten rid of the disabled vehicles and the smaller of the two trailers; he still has the larger one
- he met yesterday with Fire Safety Inspector Wayne Spiering and Zoning Manager Wendy Lane re this property; it is currently zoned T-3, which means that outdoor storage units cannot be within 300 feet of any dwelling unit - there are artist lofts across the street on University and this is also part of the Light Rail Corridor, which caused the re-zoning from I-1 to T-3
- In order to keep that outdoor storage, the owner has to apply for an outdoor storage permit and put up a 6 foot high obscuring fence around the storage unit; according to Wendy Lane, Mr. Erickson has not applied to do so
- the requirement for the obscuring fence goes back to an ordinance change in 1975
- introduced photos

Mr. Erickson:

- he has current license plates for the large trailer
- there is some confusion about the zoning; he called Councilmember Stark's Office about it; they sent him an email saying that he is grandfathered I-2 zoning; inspectors, too, told him that since it was zoned Industrial, it was fine
- is also looking for a vintage cab to pull this trailer around
- he does events to which he takes items to
- he really wants to be able to sit down with DSI people because Mr. Spiering was certain that there was no "grandfathering" yet he has a letter that tells him his property is grandfathered (from Councilmember Stark's Office)
- he really would like to know what's going on

Ms. Moermond:

- yes, that property was zoned Industrial, previously; but now, it's been rezoned to T-3 and the way you use the structure would not be acceptable any more
- if you are either on a T-3 or an Industrial lot, you can store vehicles there if they are operable; in both cases, if these vehicles are in disrepair, they can not be stored on Industrial or T-3 zoning
- if these vehicles are parked on an appropriate surface, you have the necessary licensing and they are operable, you can have it there
- another problem: parking on your neighboring property - the city would write-up your neighbors for your vehicles parked on their property; you need to show her that it's OK with your neighbors that you park your vehicles on their property; again, those vehicles need to be on an appropriate surface, licensed and operable
- no storage of junk vehicles regardless of the zoning
- you can keep your trailer on your property

- if Mr. Smith is satisfied with your parking on your neighbor's property, that's fine
Grant the appeal provided that the large trailer is parked on an approved surface, has
current tabs and is operable.

Referred to the City Council due back on 11/19/2014

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 4 [RLH VO 14-56](#) Appeal of Colleen Walbran, Southern Minnesota Regional Legal Services, on behalf of Lisa Barrett, to a Correction Notice-Complaint Inspection (which includes condemnation of Units 2 and 3) at 650 OAKDALE AVENUE, UNIT 3.

Sponsors: Thune

Colleen Walbran, Attorney, Southern Minnesota Regional Legal Services, appeared on behalf of Lisa Barrett

- Boris Tsvetovaty, property manager, BLM Management Group, appeared.

Ms. Moermond:

- Condemnation: means that she needs to make a decision now about how things are going to be until the City Council is able to discuss this

Fire Inspector A. J. Neis:

- Condemnation due to an unstable and unsafe staircase that was identified by Fire Inspector Sean Westenhofer

- he forwarded his findings to the building dept for them to review

- Mr. Westenhofer was accompanied by Mr. Michael Palm's staff, who did a preliminary inspection and concurred with Mr. Westenhofer's assessment that the staircase was unsafe and should be Condemned; they showed photographs to Sr. Building Inspector Michael Palm and he concurred with the assessment

- they moved forward with the Condemnation

Ms. Moermond:

- asked Inspector Palm how one would remedy this staircase

Inspector Palm:

- his recommendation is to remove the deck/stairs completely and start over with proper footings and proper framing construction

- introduced his photos with notes for the record

- photos are not in AMANDA

- all reviewed the photos

Ms. Walbran:

- she represents tenant Lisa Barrett who resides in Unit 3

- Ms. Barrett likes her residence and would like to remain there

- she was updated by an employee of the property management company that a permit had been pulled, materials had been ordered and that the job can be completed within 3 days of the arrival of the materials

Mr. Neis:

- an active permit on file was pulled Oct 13, 2014

- he consulted with Inspector Palm, who indicated that the deck/staircase definitely

needs to be rebuilt

- the permit was pulled for an express repair (per fire orders)

Mr. Palm:

- his permit is just for repairing

- typically, for a deck/staircase, plans should have been submitted

Mr. Tsvetovaty:

- when he got his C of O, no one mentioned anything about these steps/deck

- he has been in business since 1993

- he is an engineer himself and has had many years experience

- he thinks that maybe they can repair the steps/deck to make it safe because to rebuild it will be very expensive; if however, the inspector says he should rebuild it, he will, no question'

- he thinks that he can fix it, though

- he hasn't gotten any complaints about it shaking or that it's not safe, not stable

- he ordered everything and if it comes to the point of rebuild, they will rebuild

Mr. Palm:

- from what they have seen, they recommend that this deck/staircase should be torn completely down and started over; it would be a lot cheaper and a lot better

- he doesn't see anyway that it can be repaired from the way it sits right now - to make it safe

Ms. Moermond:

- noted that #3 on the Orders indicates that the deck needs to be repaired under permit and signed off by a building inspector

- based on the follow-up inspection, are you modifying that Order to read "replaced" instead of "repaired"? ("replace" is the word used in #1 about the deck and staircase and #3 talks about "repair")

Mr. Neis:

- we will modify the Orders to say REPLACE instead of repair

- explained that on the day the Orders were written, the Fire inspector may not know if it could be repaired or not, hence they write Repair/Replace in the Orders; then, they consult with the building officials to find out what can be done

Ms. Moermond:

- is concerned that Ms. Barrett won't have a way to get in or out of her Unit for 3 days; and she will need somewhere to be housed during that time

- she can't be there, so, a place needs to be provided for her to stay; a clean and safe place to stay

- asked if Mr. Tsvetovaty had an issue with making sure that Ms. Barrett had some place to be for those few days that the work is being done

Mr. Tsvetovaty:

- that's most difficult; I'm sure she can stay in the place; he can't afford a 5-Star Hotel

Ms. Moermond:

- that's not happening - not when there's going to be a replacement; it can't be; she has to have a safe way to get in and out

- it doesn't need to be a 5-Star Hotel; it needs to be clean and safe

Mr. Tsvetovaty:

- from his experience in a case like this, the people ask for food to be paid, too; can be a huge expense

- it's staircase is not shaking; it's safe
- they know how to handle this stuff; they can make temporary steps for her to use
- they have no other empty apartment in which Ms. Barrett could stay while the stairs/deck are being completed

Ms. Walbran:

- her client would like to stay in this apartment and she has a very good working relationship with management but of course, safety is of utmost importance
- doesn't think that her client is wanting to go to Housing Court to ask for a motel; she would just love to work things out peaceable; she will have to talk with her about what she heard here today

Ms. Moermond:

- the building inspector needs to sign-off on the staircase/deck once they get it finished; the city needs to know that it's done and it's safe
- and you can't put Ms. Barrett back into Unit 3 until that sign-off
- she told Ms. Walbran and her client, Ms. Barrett that she would not be displaced before Dec 1, 2014 and she will keep her word on that
- she is not comfortable with a temporary ingress/egress or a temporary staircase of any means; or using deck and stairs that haven't been signed-off on by the building inspector
- she needs building inspector's to sign-off on what's going to be used
- from the time that the work begins to the time that it ends and it's signed-off, Ms. Barrett needs to be away from the building

Mr. Palm:

- will need to have a revised permit from Mr. Tsvetovaty; he will need to turn in plans for the deck and staircase
- they need footing inspections and framing inspections
- finally, they will need a final inspection for this
- it will take more than 1 day

Ms. Moermond:

- she needs to make sure that it's a safe environment

Mr. Tsvetovaty:

- he disagrees that this deck should be rebuilt but...

Ms. Moermond:

- I see that the footings are setting "on" cement rather than "in" cement and that's a big clue

Mr. Tsvetovaty:

- his owner bought this property about 1 1/2 years ago; this deck was 15-20 years old then and he got the Certificate of Occupancy
- he will talk to the owner because he should pay for this; he will explain to him

Ms. Moermond:

- City Council Public Hearing Nov 5, 2014
 - this needs to be taken care of under permit or vacated by Dec 1, 2014
 - Mr. Palm explained that the existing permit must be modified
 - until there's a final sign-off, Ms. Barrett will not be living there; there will be no temporary access for the tenant
- Grant until December 1, 2014 for compliance or the property must be vacated. (The apartment may not be occupied once the project has commenced to its completion, which will be determined by a finalized permit.)

Referred to the City Council due back on 11/5/2014

5 [RLH VO 14-57](#) Appeal of Lyle Rambo to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 877 CHARLES AVENUE.

Sponsors: Thao

Lyle Rambo, Certificate of Occupancy Responsible Party, appeared.

Fire Inspector A. J. Neis:

- *Revocation of Fire Certificate of Occupancy/Order to Vacate issued by Fire Inspector Jeremy Hall Oct 7, 2014*
- *sent property file to the Vacant Building Program because it was not in compliance with the previous Orders issued at the last LH, which granted Mr. Rambo an extension to Sep 1, 2014 to get the roof and chimney fixed*
- *when Inspector Hall went out after Sep 1, he noted that the roof and chimney were still not in compliance*
- *at the last LH, it was indicated that if it was not in compliance by Sep 1, the Certificate of Occupancy would be Revoked and the building would be vacated; since the building was already empty and for sale; and the roof and chimney were still not fixed, Fire Revoked the C of O and sent it to VB*

Mr. Rambo:

- *he thought that Jeremy would be here*
- *he doesn't have anything on the chimney; knows that the roof needs to be fixed*
- *in Dec 2013, he had to go back to the hospital with a heart attack; his renters did not pay rent; and then, in Feb, 2014, his wife passed away and the renters still hadn't paid the rent; he gave them Notice*
- *he went to court which cost \$495*
- *the tenants did not leave the house after they were ordered to vacate; they didn't pay the back rent or the next month's rent; court took another month; he lost rent from Dec 2013 - Apr 2014; plus the tenants wrecked the house; someone told them that they didn't have to pay rent because the house was destroyed (they were responsible for destroying it)*
- *he had to get them out of the house because he could not work on it while there were people in it*
- *Mr. Hall came and told him that he could get the VB Report and then the tenants would have to move*
- *he just lately got the house back in shape but he doesn't know anything about the chimney*
- *he can't get back up onto the roof anymore and he can't afford to hire others to do it so, he tried to sell it*
- *the inside is all nice again*
- *the roof isn't done; there's nothing wrong with the chimney on the inside*
- *he didn't know if he needed the C of O to sell it; he is sure that he will never rent it again!*

Mr. Neis:

- *it's his understanding that all the work on the inside is done; the roof and chimney are not done*
- *Mar 1, 2014 was the deadline to have everything else done; LH gave him until Sep 1 to get the chimney and roof done*
- *zooming in on the photos, the chimney really needs tuckpointing; the shingles are curled*

Mr. Rambo:

- *the roof does not leak right now; it's not in bad shape, just curling shingles*

- he figured that he'd wait until spring to do the roof; the porch roof is in bad shape although it doesn't leak
- he wants to sell the house, as is
- has a REMAX realtor, David Orbin

Ms. Moermond:

- the roof needs to be fixed; you won't get your Fire C of O back until it's fixed
- if a prospective buyer wants this as an investment property, they will need to fix that roof
- will allow Mr. Rambo the next 6 months to repair the roof
- if anything else shows up, the building will be a Category 2 VB; stay on top of maintaining it
- if the roof is done by Apr 1, we will keep you as a Preliminary VB
- in that time, fix it or sell it

Mr. Rambo:

- he can't afford to do any more; it took \$5,000 to fix what the tenants destroyed

Ms. Moermond:

- will recommend keeping the property as a "Preliminary" VB and grant until April 1, 2015 for the roof to come into compliance. Exterior property must be maintained. If the roof is not in compliance, the property will become a VB, Category 2.

Referred to the City Council due back on 11/19/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 6 [RLH FCO 14-155](#) Appeal of Kyle Dalton for Asbury Real Estate to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1958 MARGARET STREET. (Public Hearing continued to December 7, 2014)

Sponsors: Lantry

Forthcoming.

No one appeared.

Fire Inspector Leanna Shaff:

- re ceiling height
- the notes from Legistar say that Ms. Moermond will talk with the Inspector Jim Seeger

Ms. Moermond:

- Called Mr. Ubl and haven't connected yet
- City Council Nov 19, 2014

Referred to the City Council due back on 11/19/2014

- 7 [RLH FCO 14-162](#) Appeal of Nicholas Davis to a Fire Inspection Correction Notice at 1393 BREDA AVENUE.

Sponsors: Stark

No one appeared; however, Appellant called and stated he got the wrong date.

Rescheduled per Appellant's request.

Fire Inspector Leanna Shaff:

- *there's 2 buildings on 1 parcel*
- *the owner lives in one of them*
- *Inspector Martin's notes: 10/15/14 - the home was inspected in 2011; however, the son lives there and was listed with Ramsey County as owner-occupied; all Xcel and water bills sent to this address to the owner in Oct 2011; it appears that he illegally converted the 2nd floor to a 2nd unit (mother-in-law unit); there is an approved permit for the rear home; no permit for any mechanical, plumbing, electrical; and base board heat has been added; the owner's a mechanical contractor; she will review this with A. J. Neis*

Ms. Moermond:

- *will recommend denying this appeal*

Laid Over to the Legislative Hearings due back on 11/4/2014

8 [RLH FCO
14-161](#)

Appeal of Nicholas Dillon to a Fire Certificate of Occupancy Approval with Corrections at 940 IROQUOIS AVENUE.

Sponsors: Bostrom

Nicholas Dillon, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection by Fire Inspector James Thomas Jul 9, 2014*
- *Approval with Corrections*
- *Mr. Thomas calls out the driveway: all parking spaces shall be paved with asphalt, concrete or durable dustless surfacing..*
- *sent over photos*
- *gravel driveway not in greatest repair; actually, washing into the street*
- *the driveway exits into the street*
- *driveway is being appealed today*

Mr. Dillon:

- *owner of property; Trikin Ventures LLC is his property manager and they have not represented him the way he feels is necessary*
- *he didn't find out about this until 2 weeks ago*
- *is not disagreeing with the Orders; it looks extremely bad*
- *the building is 100 years old; to have to put an asphalt driveway in he thinks is outrageous*
- *he is being threatened by Inspector Thomas - that he is going to Condemn the property and that he won't get the property back; with threats like that because of a gravel driveway, with slumlords everywhere in the city, with buildings in terrible condition,... he thinks that's outrageous; he thinks that it's unfair that he is being asked to spend close to \$4,000 for an asphalt driveway*
- *he doesn't have \$4,000; the incomes in WI are much lower than what they are here*
- *the lease with his tenant isn't up until May 31, 2014; otherwise, he'd put it up for sale*
- *ideally, he'd like to get rid of the property and not have to worry about it*
- *he'd be taking a huge loss selling it right now*
- *he agrees that the driveway looks bad; he'd like to put down crushed asphalt; it packs down very well and looks very nice but you have to put it down in warm weather so that it can melt down (it looks like and acts like asphalt); Inspector Thomas didn't think that was an option; he just basically told Mr. Dillon that his property was going to be Condemned*

- he would like the opportunity to put down the cheaper crushed asphalt surface

Ms. Moermond:

- it looks bad and there's an erosion problem effecting the city sewer system; it's not durable or dustless and that sediment goes onto the sidewalk and into the gutter
- Condemnation is not the appropriate term for noncompliance; for noncompliance with the Orders, he would have in his toolbox the ability to Revoke the C of O

Mr. Dillon:

- it's the original gravel driveway form 100 years ago
- about 4 years ago, he just spread out a couple of loads of gravel and it wasn't packed down properly

Ms. Shaff:

- Inspector Thomas was correct in calling this out; it clearly meets the definition of a code violation; it needs to be fixed
- this was the first C of O inspection for this address

Mr. Dillon:

- if he can put down crushed asphalt, it will need to wait until summer so that the sun and warm weather can strengthen/cure it; it wouldn't do any good to put it down now, in cool/cold weather
- he just can't afford to put hard asphalt/concrete down; his taxes went up; he'd face foreclosure, if that's the case
- he bought it in 2009 as a foreclosure; paid \$40,000 and put in \$35,000; right now, his realtor thinks that if he had to sell it right now, he could get about \$65,000 - \$70,000 for it (going into winter and it has a lease in place)

Ms. Moermond:

- from her perspective, being practical here would be managing the erosion and run-off from that driveway during snow/ice melt and rain that will push even more sediment into the sewer system via the gutters; perhaps a trench with a grate over it (?) or
- she can live with the crushed asphalt solution
- will put a mid-Jun 2015 deadline on it
- is not sure if this will need Site Plan Review (check at DSI Zoning - have them document what you need in the electronic file)
- will grant until June 18, 2015 to come into compliance with the driveway by putting in crushed asphalt. NOTE: Owner may need to find a solution to the erosion and run-off during snow melt, ice and rain

Referred to the City Council due back on 11/19/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 9 [RLH VBR 14-81](#) Appeal of Mark Saliterman to a Vacant Building Registration Notice at 295 SUMMIT AVENUE.

Sponsors: Thao

Mark Saliterman, owner, appeared.

Fire Inspector A. J. Neis:

- Revocation of Fire Certificate of Occupancy/Order to Remain Vacant dated Sep 22, 2014
- Unit 3 is a Carriage House on the back of this property
- has been going on for a long period of time
- after speaking with Ms. Spong, Heritage Preservation Commission (HPC), he understands that the owner has had a long time to repair the exterior structure, which has been held up by temporary shoring; the shoring is attached to a light pole and the neighbor's structure to help keep the bricks in place (emergency measure); it's been this way for a very long time
- the Orders were transferred to Code Enforcement; then transferred to Fire Inspections because the property was being rented
- he went out Sep 22, 2014, looked in the window of the carriage house (Unit 3) and could see that it was vacant; he walked around to the back and saw what they were referring to being held up with plywood; he issued Orders since the property was vacant and it had multiple code violations; he Revoked the C of O and transferred it to the Vacant Building Program
- he advised Ms. Spong and called Mr. Saliterman's office to tell him what was going on
- shortly after, they scheduled a meeting with Mr. Saliterman, the contractor, Ms. Spong, Vacant Buildings and himself to go over what would be an acceptable means of repair
- he advised Mr. Saliterman that he would not lift the Revocation until he knew that there was a plan in place to get the work completed with a definitive deadline, etc.
- he encouraged Mr. Saliterman to appeal the Orders because part of the retaining wall that needs to be fixed belongs to the Association and the larger house

Amy Spong, Heritage Preservation Commission (HPC):

- their office received a complaint Thu Apr 25, 2013 via email, which initially brought this situation to their attention
- that was a very wet spring; a lot of melt and additional rain
- her office forwarded it to DSI to enter into the system; the complainant did not contact DSI because they were worried that the structure would just be taken down because of how unstable it appeared to be
- she spoke with someone from DSI and asked that a fence be put around it and that it would be stabilized in order to have time to discuss the ultimate outcome of the wall
- asked for dates of the Orders
- this needed to go before the HPC for a public hearing because of the possibility that it would be torn down; an application came in for a demo permit for the wall (there's a wall that we see from Maiden Lane and there's another brick wall that turns and extends; both are integral to the rest of the carriage house; there's a little metal shed roof covering over that space that connects with the main carriage house; it connects onto the bump out of the carriage house, which is a useable laundry room (finished heated space) that the bricks are kind of integral to
- HPC hearing was Aug 8 and then LO until Aug 22, 2013; they noticed property owners within 350 feet and they got 2 testimonies
- HPC ultimately decided that Applicant carefully remove all of the loose and unstable portions of the wall structure while in consultation with a professional mason and the HPC; upon careful removal and salvage of the bricks and cap pieces, the Applicant shall notify the HPC and DSI staff to schedule a site visit with the mason to determine the appropriate repair methods to stabilize the structure
- this could include stabilizing the structure at a lower height than the original or reconstructing it back to its original configuration
- initially they denied the application - applicant was not at the first meeting; conditionally approved Aug 22, 2013 by the HPC
- no time limits were put on it
- Mr. Neis contacted her saying that nothing was heard from the Appellant for a while;

so, a site visit was conducted Oct 8, 2014 with HPC Chair Richard Dana; Dennis Senty, Code Enforcement; A.J. Neis, Fire Inspection; and Mr. Saliterman, Appellant, and 2 other people; they put forward a solution with which everyone at the site agreed upon and she was comfortable with: removing a portion of the wall; shortening the wall; and using those bricks to finish off the edge where that wall was cut; also to support a corner from which bricks had fallen away (agreed upon direction to move forward)

- told the Appellant and contractor that a permit application was necessary
- they are concerned with the weather and the masonry work
- back in 2013, she was also having discussions with Public Works; a portion of Maiden Lane is planned for reconstruction and has been approved by Council; it was supposed to start this year; she recently spoke with PW and they will start taking up some of the bricks and store them; then, work on the sewer and drainage work; put asphalt down during the winter; in the spring put back brick
- they were concerned with Maiden Lane reconstruction, which they thought was going to get done this year - concerned that this wall might not survive because of its close proximity to Maiden Lane (another component); there are walls along this whole stretch - stone and other brick walls on both sides of Maiden Lane

Ms. Moermond:

- sequence of events: complaint coming in; investigation and Code Enforcement issuing Orders; HPC permit review investigation and conversations; Orders issued from Fire (rental); now, we're talking about the Vacant Building registration

Mr. Saliterman:

- history: this property consists of the main house and a carriage house; it was bought by a woman who left it in disrepair; he was involved with the financing of both the house and the carriage house; they went through a long and expensive legal battle to foreclose on them both; the woman filed bankruptcy to extend that time period and it dragged on and on; when he finally obtained title to the main house and carriage house, he sold the main house to Colleen Staton; then, he decided that he would rebuild the carriage house; he complied with all the rules, etc. finishing with a very gorgeous house; all was fine and the market fell, the value of the house decreased so, they started to rent the house, waiting for the market to return

- in the meantime, there was a manure shed in the back of this property, attached to the carriage that served no purpose other than historic (someone thought it was an ice house); you can't get to it from the main house; it's just a structure in the back; he was told that there was a problem with the structure - it was starting to deteriorate; he sent out a company to secure the structure and make sure that it no longer deteriorated at the same rate; he paid the bill to have it done; then, he started to obtain bids on fixing the structure; the problem is that no one wants to take the liability risk of fixing the structure without fixing it completely for fear that they would need to come back and do it again; and get sued; bids came in at approximately \$100,000 to repair the shed by rebuilding it (take it apart and put it back together again); instead, he applied for a demo permit, which was denied; they did conditionally approve some other mechanism to make the shed smaller and go forward

- over the summer, he tried to get several masons out there to see if he could find someone who was cheaper who might be able to reach an accord with the HPC to fix the shed to a lesser extent; but before the weather started, he sent a letter to the HPC and to Ms. Spong before anyone was investigating or doing anything about it - telling her that he found a mason who is willing to tackle the job by not tearing down the entire shed but leaving most of it and removing about a 4-6 foot section of the shed; in the letter, he asked for a meeting to go through this with the HPC and Ms. Spong - to approve a partial rebuilding of the shed - we had a meeting at the site and came to the conclusion that this guy can do it; he started with a bid of about \$8,000

and then added another \$800 - \$1000 to repair the manure shed

- while all this was going on, his tenant moved out Sep 1 and he was in the process of cleaning up the unit to put it back on the market
- then, he started to get letters regarding "permits" and "Vacant Buildings" which prevented him from putting a renter back into the house
- is asking to be allowed to fix the shed and that his C of O be re-instated; that he can either rent/sell the house
- requests that the provision having to do with the extended wall, association owned, leaning into Maiden Lane (alley); he is a member of the association, only; it's the owner of the main house is actually the person in charge of the association (controls 80% of the votes in the association); he doesn't have any rights to do anything to that wall as it's owned by the association, not by him
- at the same time, he hired a structural engineer, who will have the report soon, and the report will explain that the reason that the wall is leaning and the shed is having issues is because of what has happened in Maiden Lane - big trucks have made ruts and have pushed the soil against the foundation of the wall; that and the vibration of these big trucks has led to the deterioration of the wall and the shed
- he thinks that Maiden Lane should be fixed before they start to fix the walls and the shed but he will be happy to do it either way; however, he is nervous about fixing the shed and then they start the reconstruction of Maiden Lane, which will create a problem with the shed again
- he will defer to the experts and some of the architects on the HPC

All got together at Ms. Moermond's to mark up the diagram concentrating on the problem area.

Mr. Saliterman:

- asked when he could pull a building permit to get the shed fixed?

Mr. Neis:

- this is a Category 2 Vacant Building and you cannot pull permits until there's a full Code Compliance Inspection; this went through Reid Soley - Mr. Neis asked if they could make an exception to allow Mr. Saliterman to pull a permit for the carriage house before we had inclement weather because this was an emergency repair; Fire C of O Program has no objection to him pulling a permit to get that repair done

Ms. Spong:

- the permit has been applied for by Mr. Saliterman and she is ready to do her staff sign-off

Mr. Neis:

- the carriage house will not benefit much from a full code compliance inspection

- the C of O is being held up for long-term noncompliance only on this shed structure

- if they knew that there were definitive plans in place to get the shed fixed, he would have no objection to lifting the Revocation and subsequently, issuing Orders for the brick fence /wall along the east side of the carriage house and also to the main house as long as Mr. Saliterman was willing to allow a full interior C of O inspection on the carriage house

- the wall/fence is leaning heavily into Maiden Lane

- if not done in a reasonable amount of time, they would be able to Revoke the C of O again for both the carriage house and the main house

Mr. Saliterman:

- has no problem with an inspection; would like to get the C of O lifted; they plan to sell the house at some point or rent it

- he spent hundreds of thousands of dollars fixing the carriage house; he's not

worried about an inspection

- wants to get the shed fixed ASAP; he doesn't want to lose his mason (he was hard to find)

Ms. Moermond:

- is not terribly worried about what's going on inside the property

- she sees the city using all of it's enforcement powers to get you to take action on getting the shed fixed

- doesn't see any problem allowing Mr. Saliterman pulling permits related to this work; you can go in tomorrow morning and get permits

- doesn't think he needs a Code Compliance Inspection or Fire C of O Inspection to make this happen

- will ask DSI to keep this in the VB Program until it's done so, you can't re-occupy it until this has been addressed

- will need a C of O before you can rent again

- wants him to fix things ASAP

Mr. Saliterman:

- for the record, he doesn't agree at all that he acted based on all the city's actions; his action was taken before he got any of the city's letters; he did not react to the city's letters; he was working on getting this problem with the shed acted upon prior to all the city's hammers; he sent a letter before any of these things started; he was not just sitting on his duff; it was not the city's action that got him going; he knew there was a problem and he was taking steps to get things moving; he finds it unfair that the city hit this with a VB within a week of the tenant moving out before he could even move a tenant in; if the city slaps a landlord with a VB as soon as a tenant moves out, that's an unfair situation when he didn't even have time to put someone back in

Ms. Spong:

- pointed out that Mr. Saliterman's letter came in Sep 23, 2014; the Fire C of O is dated Sep 22, 2014

- they did not know that he was working on it because a year had passed and they hadn't heard anything

- no one is watching tenants move out

Mr. Neis:

- it is all coincidental how paths crossed on this

Mr. Dornfeld:

- it remains a Category 2 VB; does not need a Code Compliance Inspection; he can pull permits; the building is not allowed to be occupied

- it's confusing to Mr. Seeger to leave a building a Cat 2 and yet not order a Code Compliance Insp; plus, he can pull permits; a Category 1 VB would be less confusing, administratively

Ms. Moermond:

- a Cat 1 VB would be a turnkey property and the city does not want this to be turnkey

Mr. Neis:

- a suggestion: we could close the VB file; he could keep it as a Revoked/Unoccupied status for a period of 30-45 days to ensure that it gets done, which means that the VB dept is no longer involved; however, if the work is not done and Mr. Saliterman does re-occupy the building, he would be subject to the other enforcement options we could take like Criminal Citation; then, we could send it back to VB

Ms. Moermond:

- there's 2 tools in place: 1) VB; and 2) Revocation
- with the Revocation, you get the Fire C of O reinstated when the work is done and you can occupy
- with the VB registration, you get the outstanding Order that needs to be taken care of; then, you'd also need a Fire C of O to occupy

Ms. Spong:

- noted that the other component hasn't been discussed: the other wall, which came up during the site visit; the longer wall is part of the common Condo element; it's also under this Order (complicates things)
- has a letter from Colleen Staton, property owner of the whole main house and a relative rents 1 unit; the owner lives in 1 unit in which she does not currently live (she splits her time); there's 1 more unit in the house;
- the parcel has 4 units total: 3 units in the main house and 1 unit in the carriage house
- Ms. Staton said, "Of the 40 ft wall, 10.7 ft is part of a limited common element that is the responsibility of Unit 3 (her unit); and the remaining 28.2 ft is part of the common element owned by the association."
- in the mid-90s, the city did not do the sewer or correct drainage issues on Maiden Lane

Mr. Saliterman:

- will need a structural engineer for the wall if the city is going to redo Maiden Lane, especially with repairing sewer, drainage, water, etc.
- the road has impacted the wall; as the ruts get deeper, the soil is compacted and pushing against the foundation of the wall
- when you look at it, it's pretty obvious that all the ruts are impacting the shed and the wall
- he has hired an engineer; then another engineer to find out the impact of those trucks/road on the property
- he doesn't want to fix it and then have the city tell him later that he has to fix it again

Ms. Moermond:

- remembers all the discussion back in the mid-90s when the city decided to take Maiden Lane on as a street and to maintain it; but technically, it's an alley
- here's what we'll do: it will be a Category 1 Registered Vacant Building; the VB fee will be waived for 6 months; you will need to get your Fire C of O reinstated before it can be occupied, which means that the wall and all the Orders will need to be addressed; if that means that the private owners on that parcel need to talk to each other about proportion of paying for different things - that's a private conversation on how to do that; she does not need to become involved with that
- this needs to be finished

Mr. Saliterman:

- here's the problem: he understands the one wall; you're bringing in a 2nd wall that was brought in without anyone getting any Notice that there was an issue; now, you're tying his C of O to fixing a wall that just now came to the surface; they never had a letter saying, "Please fix the 40 ft wall." It was never addressed; it was just added because it was there; now, to hold up his C of O for 6 months and maybe for years because there may be a dispute on how to fix that wall or whether it can be fixed and who caused it and then, whether Ms. Staton is going to pay her share of that wall; he will pay his share but that's an association wall; if that wall is preventing him from getting a C of O, then, he requests that the city tell the other homeowner to get out of their house... he thinks that a separate, new issue

Mr. Neis:

- he will schedule a C of O inspection for the main house and he will issue any subsequent Orders and give them 30 days to get things done; or the normal 30-60-90 process; at the end of 90 days, if it's not done, their C of O will also be Revoked for noncompliance, which includes getting the wall taken care of

Ms. Moermond:

*- she would like to study Mr. Saliterman's argument more
- we do need to check out the main house
- asked Mr. Saliterman to get his permits and in 2 weeks, she will have the results from the other property and be able to discuss moving forward with enforcement
- there needs to be a conversation with HPC staff along the way*

Ms. Spong:

- she will allow the permit to go through; do an administrative approval of the permit; she feels it's consistent with the original HPC decision

Mr. Saliterman:

- if you work on the 40 ft wall, you won't really be able to do it during the winter,,,so.. again, if my C of O is tied to that wall....he is stuck until after spring

Ms. Moermond:

*- will need to do some fancier footwork around conditions
- will have better info in 2 weeks
- she will think more deeply about what Mr. Saliterman had to say
- Rec: Change to VB Category 1; waive the VB fee for 6 months and allow permits to be pulled. No occupancy is allowed until Fire C of O is reinstated.*

Laid Over to the Legislative Hearings due back on 11/18/2014