



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

MAY 24 2024

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

(provided by Legislative Hearing Office)

Tuesday, June 4, 2024

Location of Hearing:

☒ Telephone: you will be called between

2:00 p.m. & 4:00 p.m.

☐ In person (Room 330 City Hall) at: _____
(required for all Fire C of O revocation & vacate; Condemnation orders)

Address Being Appealed:

Number & Street: 1058 SELBY AVE City: St. PAUL State: MN Zip: 55104

Appellant/Applicant: VINCENT HUGHES Email hughesvr@rocketmail.com

Phone Numbers: Business _____ Residence _____ Cell 651-808-7441
/S/ VINCENT HUGHES

Signature: _____ Date: 5/15/2024

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? Attachments Are Acceptable

- ☐ Vacate Order/Condemnation/
- ☐ Revocation of Fire C of O
- ☐ Summary/Vehicle Abatement
- ☒ Fire C of O Deficiency List/Correction
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other (Fence Variance, Code Compliance, etc.)

PLEASE SEE ATTACHED.

Libby Law Office, P.A.

Attorneys at Law

855 Rice Street, Suite 100

Saint Paul, MN 55117-5421

Ltr to Legislative Hearing Office
May 15, 2024
Page 1

Libby Law Office, P.A.

Attorneys at Law

Kirsten J. Libby, Esq. kirsten@libbylawoffice.com
Justin P. Holinka, Esq. justin@libbylawoffice.com
Christopher J. Heinze, Esq. chris@libbylawoffice.com

Liam Audet, liam@libbylawoffice.com
Roger Korby, roger@libbylawoffice.com

855 Rice Street, Suite 100
St. Paul, MN 55117

Office (651) 487-1208
Fax (651) 487-0662

21060 Olinda Trail N
Scandia, MN 55073

May 15, 2024

Legislative Hearing Office
15 West Kellogg Blvd.
St. Paul, MN 55102

Re: 1058 Selby Ave, St. Paul; Ref. #122522

Dear Legislative Hearing Council,

We have been retained by Vincent Hughes, owner of 1058 Selby Ave, St. Paul ("1058"). Please direct any and all communications regarding same to our office.

On May 7, 2024, Mr. Hughes received a letter from the City of St. Paul, Safety and Inspections Department, titled "Fire Inspection Correction Notice" (see attached). This letter claims that 1058 is due for a renewal of its Fire Certificate of Occupancy, and that the property will be re-inspected on May 28, 2024. We are hereby appealing this notice, as it is based on factual error.

First, 1058 is not due for a re-inspection because it has never been inspected before. Mr. Hughes purchased the property in 2004, and has never been subject to a fire inspection before.

Second, 1058 is not for rent nor has ever been for rent. Mr. Hughes has never rented the property out. Since the purchase of 1058, the property has been occupied by Mr. Hughes, with occasional visitation and long-term stays by his son or his sister. Mr. Hughes has never had anyone reside in the property besides himself. In other words, 1058 is an owner-occupied single-family home.

Because 1058 is an owner-occupied single-family home, it is not subject to fire inspection. Chapter 40, Sec. 40.02, of the St. Paul Code of Ordinances states in pertinent part that:

An owner-occupied single-family house, duplex, or condominium unit shall be exempted from the requirement to have and maintain a fire certificate of occupancy. "Owner-occupied" means the house, duplex or condominium dwelling unit for which the exemption is claimed is the owner's principle residence. For the purposes of this

exception, "owner" means a natural person and does not include a corporation, partnership, or other entity.

1058 is Mr. Hughes' principal place of residence in the State of Minnesota. While Mr. Hughes' work requires him to travel to Kentucky for extended periods of time, 1058 remains Mr. Hughes' primary residence (Mr. Hughes maintains a P.O. Box in Kentucky so that he can receive mail when he is away from his Minnesota residence).

Mr. Hughes remains unaware of the reasoning behind the City, without any input from Mr. Hughes, classifying 1058 as a rental unit. From our investigation this appears to be a clerical error of some sort on the part of the City. Mr. Hughes never applied to register 1058 as a rental property.

Based upon the foregoing, we ask that the Legislative Hearing Council deem 1058 as owner occupied, and remove 1058 from any municipal records that state that it is a rental property. In the event that Mr. Hughes decides to rent out 1058, he will take the appropriate steps to legally do so by registering with St. Paul and allowing a fire inspection of the property.

Sincerely,

LIBBY LAW OFFICE, PA

Christopher J. Heinze



May 6, 2024

VICENT HUGHES
PO BOX 7875
LOUISVILLE KY 40257-0875 USA

FIRE INSPECTION CORRECTION NOTICE

RE: 1058 SELBY AVE
Ref. #122522
Residential Class: B

Dear Property Representative:

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

A re-inspection will be made on May 28, 2024, at 9:00 A.M.

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

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

DEFICIENCY LIST

1. 1058 SELBY - INTERIOR ACCESS - SPLC 34.19 - Provide access to the inspector to all areas of the building.
2. SPLC 40.06 - Uncertified portions of the building must not be occupied until inspected and approved by this office. -Property must be recertified and approved prior to re-occupancy. Contact DSI at (651)266-8989 to arrange inspection of building when ready to re-occupy.
3. 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: Hector.Caballero@ci.stpaul.mn.us or call me at 651-266-9158 between 7:30 a.m. - 9:00 a.m.

Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Hector Caballero
Fire Safety Inspector
Reference Number 122522

Libby Law Office, P.A.

Attorneys at Law

Kirsten J. Libby, Esq. kirsten@libbylawoffice.com
Justin P. Holinka, Esq. justin@libbylawoffice.com
Christopher J. Heinze, Esq. chris@libbylawoffice.com

Liam Audet, liam@libbylawoffice.com
Roger Korby, roger@libbylawoffice.com

855 Rice Street, Suite 100
St. Paul, MN 55117

Office (651) 487-1208
Fax (651) 487-0662

21060 Olinda Trail N
Scandia, MN 55073

May 15, 2024

Legislative Hearing Office
310 City Hall
15 West Kellogg Blvd.
St. Paul, MN 55102

Re: 1058 Selby Ave, St. Paul; Ref. #122522

Dear Legislative Hearing Council,

Enclosed you will find:

- A check for \$25.00, which is the appeal fee for 1058 Selby Ave, St. Paul; and
- A copy of the appeal that was emailed to your office on May 15, 2024.

Thank you.

Liam Audet