



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

JUL 10 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, 7/23/24

Time 1:00 pm

Location of Hearing:

Room 330 City Hall/Courthouse

Address Being Appealed:

(Commercial Unit)
Number & Street: 1105 Payne Avenue City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Steven R. Schwartz Email: lucinda_schwartz@yahoo.com

Phone Numbers: Business _____ Residence 651-773-2115 Cell 651-307-9055

Signature: [Signature] Date: 7/9/24

Name of Owner (if other than Appellant): _____

Mailing Address if ~~Not~~ ^{of} Appellant's: 2393 Lake Elmo Ave. N., Lake Elmo, MN 55042

Phone Numbers: Business same as above Residence _____ Cell _____

What Is Being Appealed and Why?

- ☐ 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:

Attachments Are Acceptable

They are attached to this Application.

2393 Lake Elmo Avenue N.
Lake Elmo, MN 55042

July 9, 2024

ATTACHMENT TO APPLICATION TO APPEAL

Re: Vacant Building Registration Notice For Premises at 1105 Payne Ave., St. Paul, MN
Customer #: 814331
Bill #: 1863790

To Whom It May Concern:

I am appealing the Vacant Building Registration Notice dated July 3, 2024, for the above property.

Below is a statement of facts and basis for my Appeal.

When I first rented this property approximately two years ago, the tenants advised verbally that they were renting for a clubhouse for their bike club, to play pool, etc. They said nothing about having parties, serving alcohol, nothing to that effect. I had no idea they were going to do anything like that, and I had heard nothing about such the entire time they occupied the commercial space. I received a telephone call from Leanna Shaff, Fire Safety Inspector, on June 14, 2024, about an "assembly", which I understood to be a factory (assembly plant). I told Leanna Shaff I wanted to meet her there right away and show her that there was no assembly line taking place, but she stated she had to make an appointment to meet so officers, etc. could be present. She stated nothing about an "assembly of people".

Leanna Shaff and approximately 8 officers (one from drug enforcement, one from gang enforcement, one from DSI, etc.) showed up at 1105 Payne Avenue on June 20, 2024, at 10:00 a.m. I understood the meeting/inspection was to be at 10:30 a.m. I did not receive a letter in the mail from Leanna Shaff until I got home later that afternoon.

Apparently, the police, etc. knew what was going on at this commercial space, but I knew nothing and I was never notified or contacted by police until this telephone call initiated by Leanna Shaff. I presume a lot of this was going on at night when I was home with my family, but I was never notified by anyone from the City, the police, no one, until this initial phone call from Leanna Shaff. I heard from someone that there had been a shooting back awhile ago, and I was never notified by the police.

At our meeting on June 20, 2024, I became very upset. Of the approximately 8 people there, one was Eric, the commander of the East Side. He was a very nice gentleman, and was the only person who didn't talk at me, but to me. We had a discussion after everyone else left. At the meeting, Leanna Shaff had stated "Mr. Schwartz, you should file an eviction on them". I stated "I am not going to evict a biker gang". They then suggested I call the police and say "they are trespassing", and I disagreed because I would be caught in the middle and they would come after me. Again, me pursuing this and not the City or Leanna Shaff. I felt threatened by everyone except Eric, and I feared for myself and my family's safety from the bikers. I received a call from one of the bikers threatening to come to my house with the gang. The bikers were under the impression that I was the one that started this whole mess. Eric

agreed that I shouldn't be caught in the middle. Eric had worked in gang enforcement, and he said you do not want anything to do with the bikers, but yet I am caught right in the middle, and I am being placed by the City and the Fire Safety Inspector in a very dangerous situation.

All of this took place in less than a week from the initial phone call from Leanna Shaff on June 14, 2024.

After all of this, I received a letter dated June 28, 2024, Notice of Condemnation Unfit for Human Habitation Order to Vacate. It states the building was inspected on June 28, 2024, but I never received notice of this, and I did not meet anyone at the building. I wasn't aware of this until after I received the Notice dated June 28, 2024.

I have owned this building for over 40 years, and I have always cooperated with any law enforcement.

Now I am caught in the middle of a biker gang and the City of Saint Paul Department of Safety & Inspections and Leanna Shaff.

The building was never vacant, nothing wrong, only "assembly of people". I was led to believe an "assembly line". I told Leanna Shaff when we met on June 20, 2024, that I planned on selling the building and that I had contacted a realtor. She was aware of this, and now the Vacant Building Registration Notice states that "written permission from the City of Saint Paul is required before a Category 2 or Category 3 vacant building can be occupied or sold." If Category 3, "...obtain a Certificate of Occupancy or Certificate of Code Compliance prior to the sale of the building." Nothing specifies whether this is a Category 2 or Category 3 vacant building, and it shouldn't be classified as either.

I am contemplating contacting the Attorney General and filing a lawsuit against the City, specifically against the Fire Safety Inspector.

A handwritten signature in black ink, appearing to read "Steven R. Schwartz", with a long horizontal line extending to the right.

Steven R. Schwartz

SRS/lms



CITY OF SAINT PAUL

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

July 03, 2024

Steven R Schwartz
2393 Lake Elmo Ave N
Lake Elmo MN 55042-9454

Customer #:814331

Bill #: 1863790

VACANT BUILDING REGISTRATION NOTICE

The premises at **1105 PAYNE AVE** 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 **\$2,459.00**. 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.

Payment must be received by August 03, 2024 .

You may pay this registration fee online by going to **online.stpaul.gov** and selecting the 'Make a Payment' option. You will need your customer number and bill number to process a payment - both can be found on this letter.

To pay this invoice by mail please send this registration form along with payment to:

DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
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 the above address.

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.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this notice.

WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.

Category 2: Requirements include: 1. register/re- register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

Category 3: All requirements listed for Category 2 vacant buildings, AND obtain a **Certificate of Occupancy OR Certificate of Code Compliance** prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code, then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

You must contact the Enforcement officer , Matt Dornfeld, at 651- 266- 1902 to find out what must be done before this building can be legally reoccupied.

The Enforcement Officer may declare this building to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building, subject to demolition, the Enforcement Office will notify all owners and interested parties of the Order to Abate as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the District Inspector, Matt Dornfeld, at 651- 266- 1902.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Steve Magner
Vacant Buildings Program Manager

Enclosures: Regulations Requirements Information
Vacant Building Registration Form

SM: md
vb_registration_notice 11/14



SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, PE(MN), CBO, DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

June 28, 2024

S R SCHWARTZ
2393 LAKE ELMO AVE N
LAKE ELMO MN 55042

**NOTICE OF CONDEMNATION
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

RE: 1105 PAYNE AVE
Ref. # 12860

Dear Property Representative:

Your building was inspected on June 28, 2024.

The commercial portion of this building was found to be unsafe, unfit for human habitation, a public nuisance, a hazard to the public welfare or otherwise dangerous to human life. A Condemnation Placard has been posted on the building.

CONDEMNATION OF THE BUILDING AND ORDER TO VACATE OF OCCUPANCY.

I don't have the bottom of this letter. I ripped the bottom portion off and left at the Commercial to let them know the place was condemned.

2. COMMERCIAL SPACE - MSBC 1300.022 Subp. 3 - 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 651-266-8989 with your code analysis and to comply with requirements for approved occupancy.-Approved use is a Business (B) occupancy and space has been converted to an Assembly (A-2) occupancy.
3. COMMERCIAL SPACE - SPLC 310.02 - Use of this property does not conform to licensing ordinance.-Discontinue selling and serving alcohol.
4. SPLC 39.02(c) - Complete and sign the smoke alarm 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 the original orders.

If you have any questions, email me at: leanna.shaff@ci.stpaul.mn.us or call me at 651-266-8980 between 7:30 - 9:00 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

Leanna Shaff
Fire Safety Inspector
Ref. # 12860

cc: Housing Resource Center
Force Unit



June 14, 2024

S R SCHWARTZ
2393 LAKE ELMO AVE N
LAKE ELMO MN 55042

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 1105 PAYNE AVE
Ref. # 12860

Dear Property Representative:

A referral has been made to our office regarding code deficiencies that are reported to exist in your building or on the premises. An inspection has not been conducted by the Fire Prevention Division. If these deficiencies do in fact exist, you are hereby notified that the following deficiencies must be corrected immediately.

An inspection will be made on June 20, 2024 at 10:00 am.

DEFICIENCY LIST

1. Business - MSBC 1300.022 Subp. 3 - 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 651-266-8989 with your code analysis and to comply with requirements for approved occupancy.-Business space use changed to an assembly use.
2. Business - SPLC 34.19 - Provide access to the inspector to all areas of the building.-

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: leanna.shaff@ci.stpaul.mn.us or call me at 651-266-8980 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,

Leanna Shaff
Fire Safety Inspector