

710 S. Front St.
Mankato, MN 56001
Phone: (507) 387-8735

www.mankatomn.gov



I, Thomas Haack, property owner of 1908 4th Avenue, Mankato, MN 56001, affirm by my signature as placed below, personally picked up the following:

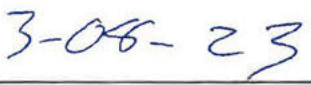
Letter dated March 6, 2023

from The Mankato Department of Public Safety, 710 S. Front Street, Mankato, MN 56001 on February 17, 2023.

A courtesy copy was placed in standard first class mail.



Thomas Haack



Date

710 S. Front St.
Mankato, MN 56001
Phone: (507) 387-8735

www.mankatomn.gov



Tom Haack
1908 4th Avenue
Mankato, MN 56001

Re: Follow Up to Phone Call to Devan Mortwedt dated February 24, 2023

March 6, 2023

Dear Mr. Haack,

As you and I spoke on February 24th, I took note of your concerns and passed them along to our team as indicated. I understood your concerns to be summarized as noted below:

- You were concerned about the language in our previous letter indicating that the issues on your property are self created;
- You were looking for information pertaining to the variance obtained by Mr. Chatleain in reference to the addition onto his home;
- You were concerned that the residents at 500 Brooks Street would also need a variance for the construction of their garage;
- You felt you are entitled to the variance because there are utilities running through both your front and back yard and further there are trees in your way – all of these things you feel inhibit your ability to build a structure in your backyard;
- And finally, the legal description of your property does not reflect the changes made to the property lines and that you then felt it was unlawful that Mr. Brown at 1914 4th Avenue was allowed to add on to his home as that was done on your property due to the mismatched legal description.

As for your concern to the language of “self-created”, this language was taken directly from City Code Section 10.94 subd. 5c. That section is highlighted and attached to this letter for your reference.

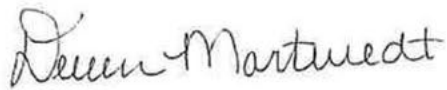
As for your request for the information regarding Mr. Chatleain's variance, a formal, written request for that information may be made through the City Manager's Office, through Renae Kopischke.

As for your concern regarding the property located at 500 Brooks Street, the residents are working through the permit process as required with the appropriate city staff.

In review the survey you had previously provided to the City, it does not show utility easements. Additionally, the City's maps do not show any infrastructure or utilities running through the front or back yards.

Finally, issues with your lender's legal description of your land will need to be resolved privately between you and your lender.

Should you have further questions, please don't hesitate to contact me at the number below.



Devan Mortwedt
Community Resource Coordinator - #3175
City of Mankato – Department of Public Safety
710 S. Front Street, Mankato, MN 56001
507-508-3835

CC: Dave Knudson, Molly Westman, Renae Kopischke

Enclosures

•Responsive

Leading the Way as a Prosperous Diverse Regional Community

•Efficient

•Greater Good

•Innovative

•Open

•Neighborly

Sec. 10.94. - Variances.

Subd. 1. Authority. In accordance with the procedures and standards set forth in this section, the Board of Adjustments and Appeals shall have the authority to grant variances from the provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property.

Subd. 2. Purpose. The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this chapter that create practical difficulties or particular hardships.

Subd. 3. Parties Entitled to Seek Variances. Applications for variances may be filed by the owner of, or any person having contractual interest in, the property.

Subd. 4. Procedure. An application for a variance shall be processed in accordance with the following procedures:

- A. **Application.** An application for a variance shall be filed with the Zoning Administrator and shall include, at least, the following information:
 1. Variance applications shall contain the following information:
 - a. The applicant's name, address, and proof of interest in the property.
 - b. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
 - c. The names and addresses of all professional consultants advising the applicant with respect to the proposed development.
 - d. The street address and legal description of the property.
 - e. The present use of the subject property.
 - f. A site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets and private right-of-ways bordering and adjacent to the site, the use and location of all adjacent property.
 - g. The specific feature or features of the proposed use, construction, or development that require a variance.
 - h. The specific provisions of this chapter from which a variance is sought and the precise variance therefrom being sought.
 - i. Statement of the characteristics of the property that prevent compliance with the provisions of this chapter.
- B. **Action of Zoning Administrator.** Upon receipt of a properly completed application for an appeal, the Zoning Administrator shall forthwith transmit to the Board of Adjustments and

Appeals the application together with all papers and plans attached thereto.

- C. **Public Hearing.** Upon receipt of a properly completed application for a variance, the Board of Adjustments and Appeals shall set a date for a public hearing.
- D. **Notice.** Notice of the public hearing shall be given by the Zoning Administrator by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published a minimum of ten (10) days prior to the hearing date and a maximum of thirty (30) days to the hearing. Notice shall also be given by first class mail to all owners of property within two hundred (200) feet from the proposed location of the variance. The notice shall describe the particular variance and shall contain a brief description thereof. County assessment records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes.
- E. **Board of Adjustments and Appeals Action.** The Board of Adjustments and Appeals shall render its decision in accordance with the Board's adopted Rules of Procedures. The Board of Appeals may grant the variance, grant the variance subject to conditions, or deny the variance.

Subd. 5. Standards. In considering an application for a variance, the Board of Adjustments and Appeals may approve such variance only upon the finding that the application complies with the standards set forth below.

- A. **General Standard.** No variance shall be granted unless the applicant shall establish that conforming to the strict letter of the provisions of this chapter would create a unique and particular hardship.
- B. **Unique and Particular Hardship.** Unique and particular hardship is defined as the property is exceptional as compared to other property subject to the same provisions by reason of a unique physical condition, including the presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot. The hardship shall amount to more than a mere inconvenience to the owner and the hardship shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot.
- C. **Not Self-Created.** The unique physical condition and hardship shall not be the result of any action or inaction of the property owner or its predecessors in title. The unique physical condition shall have existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this chapter.
- D.

Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other property subject to the same provisions.

- E. **Not Merely Special Privilege.** The alleged hardship shall not include the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision. The alleged hardship shall not include the inability of the property owner to realize a greater profit than if the variance were not granted.
- F. **No Other Remedy.** There are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot.
- G. **Variance Less Than Requested.** A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- H. **Essential Character of the Area.** The variance would not result in a development on the lot that:
 - 1. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity.
 - 2. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity.
 - 3. Would substantially increase congestion in the public streets due to traffic or parking.
 - 4. Would unduly increase the danger of flood or fire.
 - 5. Would unduly tax public utilities and facilities in the area.
 - 6. Would endanger the public health or safety.
 - 7. Would not be in harmony with the general and specific purposes of this chapter and the comprehensive planning policies and objectives of the City.

Subd. 6. Conditions on Variances. The Board of Adjustments and Appeals may impose specific conditions and limitations upon the granting of a variance as are necessary to achieve the purpose and objectives of this chapter. Such conditions and limitations may include, but are not limited to, those concerning the use, construction, character, location, landscaping, screening, parking, and other matters relating to the purpose and objectives of this chapter and shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the variance pursuant to Section 10.96.

Subd. 7. Effect of Grant of Variance. The approval of a proposed variance by the Board of Adjustments and Appeals shall not authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to, a Building Permit and a Certificate of Occupancy.

Subd. 8. Limitations on Variance. Subject to an extension of time granted by the Board of Adjustments and Appeals, no variance shall be valid for a period longer than twelve (12) months unless a Building Permit is issued, or unless a Certificate of Occupancy is issued and a use commenced within that period of time. Except when otherwise provided in the resolution approving a variance, a variance shall be deemed to relate to, and be for the benefit of, the lot in question, rather than the owner of such lot.

(Ord. of 2-9-2004)

Subd. 9. Prohibited Variances. Notwithstanding any other provision in this section, no variance shall be granted to establish a use not permitted in the zoning district where the property subject to the application is located.

Subd. 10. Fee. An applicant for a variance shall pay a non-refundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

copy file

10 Civic Center Plaza
Post Office Box 3368
Mankato, Minnesota 56002-3368

Phone: (507) 387-8600
Fax: (507) 388-7530
www.mankatomn.gov



April 10, 2023

Thomas Haack
1908 4th Avenue
Mankato, MN 56001

RE: FOLLOW UP LETTER

Dear Thomas:

Please accept this as follow-up to your recent letter requesting information. Responses are outlined below.

1. The Planning and Zoning department does not have property photographed or inspected annually.
2. The property file is available for public inspection upon request and appointment. You can phone Renae Kopischke to set up a time to view what is available in the file.
3. Time limits on contract for deed sales are a legal matter not generally handled by the city. A property being purchased on a contract for deed, if occupied by the purchaser, does not require a rental license. If there is someone other than the contract for deed purchaser occupying the premise, a rental license is required.
4. You will need to work with your bank on any necessary modifications.
5. The City of Mankato will continue to provide as much assistance as possible with filling out paperwork. Staff are not able to prepare plans, specifications, surveys, or other types of documents that require professional certification. Additionally, in the case of a variance, the City's role is limited to applying the legal standards of practical difficulties to the facts that are presented by the applicant, and the applicant has the burden of proof to show that all of the criteria have been achieved.
6. Property owners who wish to shift property lines, such as what you are suggesting to be an increased lot width from 64.5' to 66' on your lot, are welcome to make an application for a re-plat or a lot split, depending on the terms of the change. The request will be evaluated based on the criteria in the Code. Of note, such a change will require both property owners to be applicants.
 - a. A survey is needed for a variance to illustrate the requested variance.
 - b. If a structure has been constructed without a permit, the City of Mankato will not issue a letter indicating that a structure does not exist.

- c. To establish calibration on city aerial imagery, ground control points are matched to the aerials. However, because the earth is round and the picture is flat, there is some variation.
- d. Please contact Dave Knudson with questions regarding building permits.
- e. Larson Sod – this appears to be a grandfathered business.
- f. Chatlain's variance – the variance request was evaluated for code standards.

7. A petition to request vacation the public right of way, which is located to the east of your property line, is enclosed; see Attachment A. A complete petition for vacation request will include a survey with a drawing of the area to be vacated and its legal description, the petition, and utility sign off from all utility companies. Of note, based on the information available to-date about such a vacation request, it is not likely that the vacation of the remaining public right of way will achieve Code standards.

8. Please contact Public Safety at 311.

9. The resolution approving the variance at 1905 5th Avenue, which outlines the findings, is enclosed as Attachment B.

10. The City of Mankato will continue to provide as much assistance as possible with filling out paperwork. Staff are not able to prepare plans, specifications, surveys, or other types of documents that require professional certification. Additionally, in the case of a variance, the City's role is limited to applying the legal standards of practical difficulties to the facts that are presented by the applicant, and the applicant has the burden of proof to show that all of the criteria have been achieved.

11. The ordinances and codes apply equally to all businesses and people in the community.

12. 416 Brooks Street is required to conform to the standards of the code, as are all properties. If a new home occupation is occurring at the premise in the residential district, it will be required to the standards in Mankato City Code section 10.82 subd. 1. All lot standards for subdivisions and zoning lots are required to conform as well.

13. Certain types of business, such as those associated with a liquor licenses, gambling, explosives, or others, may be required to have background checks. Mankato City Code provides guidance on requirements for business background checks. Please contact Public Safety at 311 with questions.

14. Minnesota Statute 13.44, et al, states, "the identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data." For this reason, the information of complainants is not able to be provided.

15 and 16. The City of Mankato generally addresses violations when a complaint is received from the public.

Sincerely,



Molly Westman
Planning Coordinator

Cc: Dave Knudson, Building Official

Enclosure(s): Attachment A – Petition for Vacation
Attachment B – Resolution Approving Variance for 1905 5th Avenue

10 Civic Center Plaza
Post Office Box 3368
Mankato, Minnesota 56002-3368

Phone: (507) 387-8600
Fax: (507) 388-7530
www.mankatomn.gov



August 14, 2023

Thomas Haack
1908 4th Avenue
Mankato, MN 56001

Sent via: USPS mail and certified mail

RE: STATUS UPDATE

Dear Mr. Haack:

Please accept this as a friendly reminder of the upcoming compliance date associated with a Plan of Corrective Action (PCA) for your property.

The PCA was executed in February, 2023 in order to bring your property into conformance with Mankato City Code.

Enclosed you'll find the Plan of Correction, which outlines, among other things, August 31, 2023 as the date for removal of the unpermitted structures, fence compliance (which is noted for May 1, but has not yet been complete), and the rental license issuance or withdraw.

If your property does not achieve the terms of the PCA by, or before, August 31, 2023, proceedings will begin for an administrative penalty, or other applicable penalty.

Please contact myself to arrange an inspection, to be conducted no later than September 1, 2023, to assess compliance. If the property is not in compliance, an administrative penalty, a criminal citation, which is considered a misdemeanor, or other will be issued.

To bring the property into conformance, the terms of the Plan of Correction Action shall be achieved.

Consider this your notice. Failure to comply with this order will result in a citation and/or abatement procedures and/or administrative penalties being undertaken against you as the property owner and/or against your property. The administration penalty fee is \$500 per day of non-compliance. If you do not remedy this situation within the allowed timeframe, an administrative penalty, and potentially a criminal citation, will be assessed.

The authority to pursue appropriate legal and/or equitable relief for zoning violations via an administrative penalty is allowed under Mankato City Ordinance chapter 19, chapter 10, and others.

Additionally, the City of Mankato will continue to provide as much assistance as possible with filling out paperwork. Staff are not able to prepare plans, specifications, surveys, or other types of documents that require professional certification, or other specialty skills.

As always, please feel free to reach out to us with questions.

Warm regards,

A handwritten signature in blue ink, appearing to read 'Molly Westman', with a long horizontal flourish extending to the right.

Molly Westman
Planning Coordinator

Cc: Dave Knudson, Building Official

10 Civic Center Plaza
Post Office Box 3368
Mankato, Minnesota 56002-3368

Phone: (507) 387-8600
Fax: (507) 388-7530
www.mankatomn.gov



January 24, 2024

Thomas Haack
1908 4th Avenue
Mankato, MN 56001

Delivery via: Certified mail, USPS and hand delivery

Re: **Code violations – Final Notice and Order**

Dear Mr. Haack:

This letter is being sent regarding the on-going violations of Mankato City Codes that have been personally observed and investigated by various city staff at your property at 1908 4th Avenue.

Violations have been on-going over the course of several years, and as of today, the non-compliant work at the property has continued, and the previous violations have not been remedied. In an effort to bring the property into conformance, a Plan of Corrective Action, (PCA), was executed between yourself and the City of Mankato on February 10, 2023. The terms of the PCA were to be achieved by, or before, August 31, 2023. At the beginning of September, 2023, an additional letter was received by the City, which provided an outline for moving forward to bring your property into conformance. To date, the property remains out of conformance and the items identified in the PCA have not been achieved.

Further, recently, you have continued to make improvements at your property that are out of conformance with Mankato City Code. An investigation from the Right of Way, today, January 24, 2024, identified that a non-conforming fence has recently been constructed in the front yard/street right of way at your property.

Notice

You are required to ensure that your property achieves conformance with the standards of City Code.

The following City Code violations have been observed, and to bring the property into conformance, the following action shall occur by the specified dates.

Violation	Code section	Code section citation	Details	Action required
Fence in front yard	10.88 subd. 11.B.2	Front Yards. No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point.	The fence located in the front yard appears to approximately 6' in height.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	10.88 subd. 11.C.2	No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way or be in violation of Section 12.71 of the Mankato Municipal Code.	The fence is encroaching into the City right of way.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	10.88 subd. 11.C.1	A fence may be located adjacent to, but not on, a property line.	The property pins have not been made visible and the installation of the fence may encroach over the southerly property line based on GIS overhead imagery.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	12.71 subd. 1	No fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee.	A fence was installed without a permit.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	6.16 subd. 1. Buildings, Structures or Encroachments in Right-of-Way.	License Required. It is unlawful for any person, as owner, lessee, occupant or other person in control of any real property within the City, to install, place, build, erect, maintain, occupy or use upon any such property any building, structure or physical encroachment which, in whole or in part, is installed, placed, built, erected, maintained, occupied or used on any portion of the right-of-way of any public street or alley, whether such right-of-way exists by reason of statutory or common law dedication or easement, without first having obtained a written license therefore pursuant to the provisions of this section.	A fence was installed and is encroaching in the right of way.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Non-permitted structures. 5 structures on the site, identified in the attached image by numbering 1, 2, 3, 4, 5, have been constructed without first obtaining a building permit for their respective construction.	Minnesota Residential Building Code, Minnesota Rule 1300.0120 Subpart 1	An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.	Structures have been constructed, and continue to be constructed on the property, without first obtaining a building permit.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than March 1, 2024. All removal shall be complete no later than May 1, 2024.

Structure setbacks. The 5 structures that were constructed without a permit do not appear to achieve the required front and side yard setbacks.	Mankato City Code section 10.15 subd. 6.A and B	A. Front Yard Setback. All Buildings. A minimum of twenty-five (25) feet. B. Side Yard Setback. One- and Two-Family Dwellings. A minimum of six (6) feet	Unpermitted structures have been constructed without a permit, and based upon available aerial imagery, they do not achieve the required setbacks.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than March 1, 2024 . All removal shall be complete no later than May 1, 2024 .
Unpermitted fill. Fill has been placed in the rear yard, in an amount estimated to exceed 25 cubic yards, and a conditional use permit has not been requested or obtained.	Mankato City Code section 10.82 Subd. 9, Substantial Land Alteration.	Subd. 9. Substantial Land Alteration. A Conditional Use Permit shall be required where the excavation, grading, and filling of any land would result in the movement of earth and materials in excess of twenty-five (25) cubic yards and would significantly change the existing ground contour and existing drainage, or cause flooding and/or erosion.	Fill has been placed in the rear yard of your property without obtaining the required permits.	The fill shall be removed and grade returned to original grade. All removal shall be complete no later than May 1, 2024 .
Fence final inspection. A fence permit was issued March 7, 2022 for a fence in the rear yard. A final inspection is required for the fence, and at the time of the previous inspection the support posts for the fence were facing outward and the finished side of the fence was facing inward.	10.88 Subd. 11.A.2	Approved Material. All fences in residential districts shall be constructed of stone, brick, finished wood, or chain link. <u>The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets.</u>	The fence requires a final inspection to verify compliance with the code requirement. The finished side of the fence shall face outward and the posts inward.	The applicant shall ensure that the fence achieves Mankato City Code, and this shall be achieved no later than March 1, 2024 . The final inspection by the City shall be requested by the property owner, and be conducted prior to March 1, 2024 approving the fence for conformance with Mankato City Code.

Despite the on-going attempts to work with you to bring the property into conformance, the property remains out of compliance with City Code. The unpermitted construction of structures, fencing and fill are violations of Mankato City Code.

You are responsible for ensuring that your property conforms and the corrections and the work occur on your property in conformance with City Code. During our previous correspondence, it was suggested that if you need assistance in navigating the process the City is willing to assist within our parameters, however since staff is not able to design or survey the property.

You are required to ensure that your property achieves conformance with the standards of City Code. If you are not moving towards conformance by way of the terms specified herein, the property will be considered out of conformance.

Failure to comply with this notice and order will result in citation and/or abatement procedures and/or administrative penalties being undertaken against you as the property owner and/or against your property. **Consider this your final notice.** If you do not remedy this situation within the allowed timeframe as prescribed herein, an administrative penalty, and potentially a criminal citation, or other remedy will be assessed.

The authority to pursue appropriate legal and/or equitable relief for zoning violations via an administrative penalty is allowed under Mankato City Ordinance 19.05, chapter 10.96, and others.

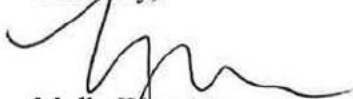
Mankato City Ordinance Section 19.05 states that violations of City Code Chapter 10.96, and nuisance violations in accordance with Mankato Chapter 9.77 such as these violations, are deemed an administrative offense, and further defines that this violation is a property violation allowing any unpaid violations to be assessed to your property.

The Mankato City Council has established a \$500.00 penalty each day of violation.

As we have discussed, no additional physical work shall occur on the property unless an official City of Mankato permit has been issued. Do not conduct any additional work at the property until you have received authorization to do so.

If you have any questions, please contact me at (507) 387-8571 or Dave Knudson at (507) 387-8547.

Sincerely,



Molly Westman
Community Development

Enclosures: February 10, 2023 Plan of Corrective Action and image depicting
structures 1, 2, 3, 4 and 5
Image of fencing to be removed in front yard

Cc: Mark Konz, Associate Director of Planning and Development Services
Dave Knudson, Building Official
Jon Nelson, Engineering

PLAN OF CORRECTIVE ACTION CITY OF MANKATO VIOLATION

LOCATION OF PROPERTY: 1908 4th Avenue

OWNER(S) OF PROPERTY: Thomas Haack

THE FOLLOWING IS A PLAN OF CORRECTIVE ACTION (PCA) FOR CORRECTING MAJOR PROBLEMS OR DEFICIENCIES IDENTIFIED AT THE ABOVE ADDRESS. THE PLAN IS DESIGNED TO GUARANTEE THE LONG TERM AND CONTINUOUS COMPLIANCE OF THE PROPERTY WITH THE MANKATO CITY CODE. THE CONTENTS OF THE PCA MUST ALSO REFLECT THE PURPOSE AND INTENT OF THE MANKATO CITY CODE. FAILURE TO COMPLETE THE CONTENTS OF THE PCA BY THE DATE OR MANNER DESCRIBED BELOW SHALL RESULT IN A CITATION.

THE FOLLOWING ARE THE PROBLEMS OR DEFICIENCIES IDENTIFIED ON THE SUBJECT PROPERTY (OR SEE ATTACHED REPORT):

Work has occurred without a permit, and without the appropriate approvals.

Structures have been constructed and a fence has been constructed without appropriate approvals, and
that are not in conformance with the applicable codes.

THE FOLLOWING IS A PLAN OF CORRECTIVE ACTION FOR THE SUBJECT PROPERTY:

The property owner shall complete one of the following to ensure conformance of the structures on the site.

Either:

1. Have prepared a surveyed site plan that shows compliant structures and setbacks AND an engineered structural report that demonstrates building code compliance for all the structures identified in the attached photo no later than May 1, 2023. A building permit submission with this detail shall be applied for; OR
2. Remove all structures no later than August 31, 2023.

The owner shall complete the following in regard to the fence:

1. A surveyor shall locate the property corners and the property pins shall be visible by May 1, 2023.

Then, based on the findings of the survey, subsequent work will be determined and may include grading, fence removal including foundation or moving, among other corrections depending on the outcome of the survey.

Rental license shall either be ~~granted~~ issued or
will be withdrawn no later than August 31, 2023.

I am aware that failure to ~~comply with this PCA~~ may result in the issuance of an administrative penalty.

I am aware that it is my responsibility to achieve the terms of this Plan of Corrective Action.

I am aware that this is my notice. I will not receive additional notice before action is taking against me to remedy the violation(s). This may include, but is not limited to, an administrative penalty, a criminal penalty, the work may be complete and assessed to my property, or any other remedy to achieve conformance.

I am further aware that failure to comply will result in action to remedy the situation

THE PLAN OF CORRECTIVE ACTION MUST BE COMPLETED BY: August 31, 2023
APPROVED BY: Glenn Mottuett DATE: 2/10/2023

ACKNOWLEDGEMENT AND SIGNATURE: The undersigned hereby agrees to comply with the terms of the Plan of Corrective Action. The undersigned acknowledges that failure to complete the contents of the Plan of Corrective Action by the date or manner described above shall result in a citation.

PROPERTY OWNER: [Signature] DATE: 2-10-23

as long as we work together
and come to a middle ground
to help or come close as or agreement;

1908 4th Avenue

Appendix A

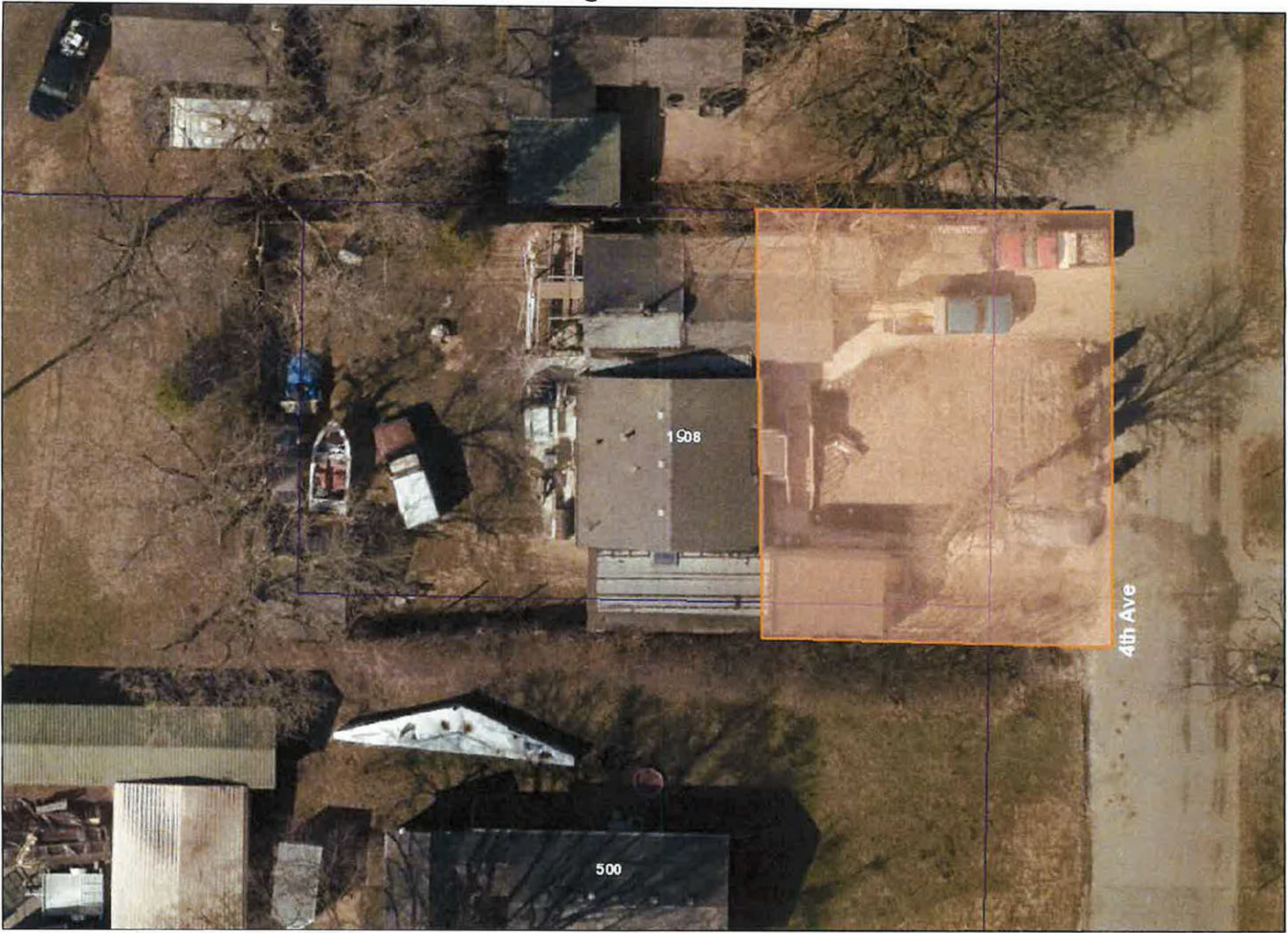


Date: February 2023

Author:

EXHIBIT E

Fencing to be removed



Date: January 2024

Author:







Minneapolis

Fifth Street Towers
 150 South Fifth Street, Suite 700
 Minneapolis, MN 55402
 (612) 337-9300 telephone
 (612) 337-9310 fax
 kennedy-graven.com
 Affirmative Action, Equal Opportunity Employer

Pamela J.F. Whitmore

Attorney at Law

Direct Dial: (612) 337-9276

Email: pwhitmore@kennedy-graven.com

April 16, 2024

RE: 1908 Fourth Avenue, Mankato

Dear Mr. Haack:

I am the City Attorney for the City of Mankato. Staff has made me aware that, on February 20, 2024, the City of Mankato received a letter from you requesting assistance with preparing paperwork and requesting some accommodations related to certain code provisions for your property. I understand from your letter that you and a member of your family have a disability or special needs. Thank you for reaching out and the City certainly can assist with filling out paperwork.

As a reminder, your February 20, 2024 correspondence responded to the City's January 29, 2024, Final Notice and Order that was hand delivered to you at 1908 Fourth Avenue in Mankato, with a copy of that same letter also being sent via U.S. mail. In the January 29, 2024 letter, staff outlined the ongoing code violations at 1908 Fourth Avenue, which you had agreed to address in a Plan of Corrective Action ("PCA") over a year ago, on February 10, 2023. Not only have these violations not been addressed, but staff have also documented additional, new non-compliant work on the property since the execution of that PCA, including work done in City right of way. For your convenience, attached is an updated table with all the violations.

Violation	Code section	Code section citation	Details	Action required
Violation #1 - Fence in front yard	10.88 subd. 11.B.2	Front Yards. No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point.	The fence located in the front yard appears to be approximately 6' in height.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #1 - Fence in front yard	10.88 subd. 11.C.2	No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way or be in violation of Section 12.71 of the Mankato Municipal Code.	The fence is encroaching into the City right of way.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #1 - Fence in front yard	10.88 subd. 11.C.1	A fence may be located adjacent to, but not on, a property line.	The property pins have not been made visible and the installation of the fence may encroach over the southerly property line based on GIS overhead imagery.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.

Violation #1 - Fence in front yard	12.71 subd. 1	No fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee	A fence was installed without a permit.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #1 - Fence in front yard	6.16 subd. 1. Buildings, Structures or Encroachments in Right-of-Way.	License Required. It is unlawful for any person, as owner, lessee, occupant or other person in control of any real property within the City, to install, place, build, erect, maintain, occupy or use upon any such property any building, structure or physical encroachment which, in whole or in part, is installed, placed, built, erected, maintained, occupied or used on any portion of the right-of-way of any public street or alley, whether such right-of-way exists by reason of statutory or common law dedication or easement, without first having obtained a written license therefore pursuant to the provisions of this section.	A fence was installed and is encroaching in the right of way.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #2 - Non-permitted structures. 5 structures on the site, identified in the attached image by numbering 1, 2, 3, 4, 5, have been constructed without first obtaining a building permit for their respective construction.	Minnesota Residential Building Code, Minnesota Rule 1300.0120 Subpart 1	An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.	Structures have been constructed, and continue to be constructed on the property, without first obtaining a building permit.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than May 1, 2024 . All removal shall be complete no later than May 15, 2024 .
Violation #3 - Structure setbacks. The 5 structures that were constructed without a permit do not appear to achieve the required front and side yard setbacks.	Mankato City Code section 10.15 subd. 6.A and B	A. Front Yard Setback. All Buildings. A minimum of twenty-five (25) feet. B. Side Yard Setback. One- and Two-Family Dwellings. A minimum of six (6) feet.	Unpermitted structures have been constructed without a permit, and based upon available aerial imagery, they do not achieve the required setbacks.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than June 1, 2024 . All removal shall be complete no later than August 1, 2024 .
Violation #4 - Unpermitted fill. Fill has been placed in the rear yard, in an amount estimated to exceed 25 cubic yards, and a conditional use permit has not been requested or obtained.	Mankato City Code section 10.82 Subd. 9, Substantial Land Alteration.	Subd. 9. Substantial Land Alteration. A Conditional Use Permit shall be required where the excavation, grading, and filling of any land would result in the movement of earth and materials in excess of twenty-five (25) cubic yards and would significantly change the existing ground contour and existing drainage, or cause flooding and/or erosion.	Fill has been placed in the rear yard of your property without obtaining the required permits.	The fill shall be removed and grade returned to original grade. All removal shall be complete no later than August 1, 2024 .

Violation #5 - Fence final inspection. A fence permit was issued March 7, 2022 for a fence in the rear yard. A final inspection is required for the fence, and at the time of the previous inspection the support posts for the fence were facing outward and the finished side of the fence was facing inward.	10.88 Subd. 11.A.2	Approved Material. All fences in residential districts shall be constructed of stone, brick, finished wood, or chain link. <u>The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets.</u>	The fence requires a final inspection to verify compliance with the code requirement. The finished side of the fence shall face outward and the posts inward.	The applicant shall ensure that the fence meets Mankato City Code, and this shall be achieved no later than May 1, 2024. The final inspection by the City shall be requested by the property owner and be conducted prior to May 15, 2024 approving the fence for conformance with Mankato City Code.
---	--------------------	--	---	---

In response to your February 20, 2024 letter, the City of Mankato will provide assistance with:

1. Completing the necessary building permit applications and zoning applications. To be clear, this assistance does not include creation of plans or surveys. Please contact Travis Johnson at 507-387-8387 to schedule a time to come to City Hall to begin this process.
2. Providing printed code information, which has been attached here for your convenience.
3. Consideration of flexibility regarding fence heights that are currently set forth in Mankato's code.

Regarding the rest of the violations and your responses in the February 20, 2024 letter, all structures and fences must comply with City Code and also must be located on your property at 1908 Fourth Avenue in Mankato, as opposed to being in right-of-way or intruding upon others' private property. The structures and portions of structures on neighboring private property must be removed by August 1, 2024. The fence, portions of fence located within the City right of way must be removed by May 15.

If those structures and fences are not removed by that time, the City will pursue an administrative warrant from the Court to enter the property to survey the property lines, and then will pursue an additional order and warrant to enter the property to remove structures, portions of structures and any fencing not located on your property. The cost of having to petition the court and enforce the code, including any removal costs associated with doing so, will be assessed to the property as allowed under City Code and state law.

We look forward to hearing from you.

Sincerely,

/s/ Pamela J.F. Whitmore
Pamela J.F. Whitmore

cc: Mark Konz
Molly Westman
Dave Knudson