

**CITY OF MINNEAPOLIS
NUISANCE CONDITION PROCESS REVIEW PANEL**

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 912 35th Street E.
Minneapolis, Minnesota.**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

This matter came on for hearing before the Nuisance Condition Process Review Panel on October 21, 2010. Noah Schuchman, chair, presided and other board members present included Patrick Todd, Geri Meyer, and Bryan Tyner. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Ahna Minge represented the Inspections Division at the hearing. Suzanne Sandahl, Esq., was present and represented Dilip Ragoonanan, brother of the deceased owner Parboonath Ragoonanan, who was also present. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 912 35th Street E. is a single family dwelling in the Powderhorn Park Neighborhood. The one story structure was built in 1909. The building is 792 square feet and sits on a 2,250 square foot lot.
2. The property located at 912 35th Street E. has been determined to be substandard. The property was condemned due to an open gas line and a rusted water heater vent. A recent Code Compliance Inspection resulted in numerous orders including, but not limited to: repair or replace roof, repair or replace exterior wall, remove existing heating plant by licensed asbestos contractor, install new heating plant, install new venting systems, install missing water piping to code, and remove basement bathroom or bring to code with permits.

3. The City Assessor rates the condition of the building as fair but uninhabitable.

4. The Inspections Division of the City of Minneapolis determined that the property at 3822 6th Street N. met the definition of a Nuisance under Minneapolis Code of Ordinances (hereinafter "M.C.O.") § 249.30. The applicable sections of M.C.O. § 249.30 provide that *(a) A building within the city shall be deemed a nuisance condition if:*

(1) It is vacant and unoccupied for the purpose for which it was erected and for which purpose a certificate of occupancy may have been issued, and the building has remained substantially in such condition for a period of at least six (6) months.

(2) The building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, or the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days.

(3) Evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building.

(4) Evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

5. Pursuant to M.C.O. § 249.40(1) the building located at 3822 6th Street N. was examined by the Department of Inspections to ascertain whether the nuisance condition should

be ordered for rehabilitation or demolition. Considering the criteria listed in M.C.O. § 249.40(1) the Inspections Department found:

a. The estimated cost to rehabilitate the building is \$45,214 to \$55,694 based on the MEANS square footage estimate. The assessed value of the property for 2009 was \$56,500 and for 2010 the assessed value is \$53,500. The after rehab market value is estimated at \$70,000 based on the assessment of an independent appraiser.

b. The Powderhorn Park Neighborhood and property owners within 350 feet of 912 35th Street E. were mailed a request for community impact statements. The Department of Inspections received twelve (12) in response. Eleven (11) stated that the property has had a negative impact on the community and nine (9) say that the property should be demolished.

c. In 2000 the vacant housing rate in the Powderhorn Park Neighborhood was around 5%. Of the approximately 757 houses on the city's Vacant Building Registration, 16 are in the Powderhorn Park Neighborhood, a neighborhood of approximately 3,500 housing units.

d. The Preservation and Design staff has reviewed the property and determined that it does not constitute a historic resource and has signed off on the demolition permits.

6. The building located at 912 35th Street E. was condemned for lack of maintenance and added to the City's Vacant Building Registry on October 19, 2007. The building has remained vacant and boarded since the fall of 2007.

7. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Raze and Remove was mailed on March 12, 2010, to Parboonath Ragoonanan. On March 29, 2010, Parboonath Ragoonanan filed an appeal stating that he did not resolve the housing violations due to being illiterate and unemployed, but that he had family and friends and wished to bring the property to code. The matter was set for hearing on October 21, 2010.

8. After sending in his appeal Parboonath Ragoonanan passed away. At the October 21, 2010, hearing Parboonath's brother Dilip appeared with his attorney Suzanne Sandahl. Ms. Sandahl stated that the property is the subject of probate action and that Dilip is applying to be the personal representative with plans to rehabilitate the property and live at the property. Ms. Sandahl stated that Dilip Ragoonanan had approximately \$30,000.00 to proceed with the rehabilitation of the property. Ms. Sandahl stated that they were waiting for letters to return from two of Mr. Ragoonanan's twelve siblings which would allow Dilip to be appointed the personal representative for the property. Once the letters were all received Ms. Sandahl estimated that it would be thirty days at the most for the appointment process to be finalized. At the time of the hearing the ownership and control of the building was still at issue.

CONCLUSIONS

1. The building located at 912 35th Street E. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(1) as the building is vacant and unoccupied for the purpose for which it was erected and the building has remained in such a condition for a period of at least six months.

2. The building located at 912 35th Street E. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as the building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance

could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, and the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days.

3. The building located at 912 35th Street E. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(3) as evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building.

4. The building located at 912 35th Street E. meets the definition of a nuisance condition as set forth in M.C.O. § 249.30(a)(4) as evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

5. The building located at 912 35th Street E. meets the definition of a nuisance condition as defined by M.C.O. § 249.30 and although there is no current plan in place by anyone to rehabilitate the property, a representative of the ownership appears to have the ability and willingness to rehabilitate the property and homestead it but needs more time to finalize title of the property due to the probate issues surrounding the owner's death.

RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 912 35th Street E., Minneapolis, Minnesota, be forwarded to the REE Committee without recommendation.



Noah Schuchman
Chair,
Nuisance Condition Process Review Panel