

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

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 3822 6th Street N.
Minneapolis, Minnesota.**

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

This matter came on for hearing before the Nuisance Condition Process Review Panel on September 9, 2010. Noah Schuchman, chair, presided and other board members present included Patrick Todd, and Bryan Tyner. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Thomas Deegan represented the Inspections Division at the hearing. Nimmy Esuoso, owner of the property, was not present. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 3822 6th Street N. is a single family dwelling in the Webber-Camden Neighborhood. The 2 story structure was built in 1903. The building is 1,396 square feet and sits on a 6,280 square foot lot.
2. The property located at 3822 6th Street N. has been determined to be substandard. The property needs a new roof. The rafters must be repaired or replaced. As the building is very unlevel, a structural engineer's analysis and design repairs are required for the building's footings, columns, beams and joists. The basement floor is below code, the property needs a new boiler and both water heaters must be repaired or replaced to code.

3. The City Assessor rates the condition of the building as average but uninhabitable. Since 2008, the City has issued 24 orders to correct nuisance conditions such as rubbish and long grass.

3. 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.

4. 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 \$86,368 to \$111,568 based on the MEANS square footage estimate. The assessed value of the property for 2009 was \$75,500 and for 2010 the assessed value is \$69,500. The after rehab market value is estimated at \$130,000 based on the assessment of an independent appraiser.

b. The Webber-Camden Neighborhood Organization and property owners within 350 feet of 3822 6th Street N. were mailed a request for community impact statements. The Department of Inspections received four (4) in response. All stated that the property has had a negative impact on the community and that it should be demolished.

c. In 2000 the vacant housing rate in the Webber-Camden Neighborhood was around 4.5%. Of the approximately 736 houses on the city's Vacant Building Registration, 31 are in the Webber-Camden Neighborhood, a neighborhood of approximately 2,232 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.

5. The building located at 3822 6th Street N. was added to the City's Vacant Building Registry on August 13, 2007, and was condemned for being a boarded building on October 26, 2007. The building has remained vacant and boarded since the summer of 2007.

6. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Raze and Remove was mailed on April 16, 2010, to Ade Esuoso, Ben Hanf, Bank of New York and Litton Loan Servicing. On May 28, 2010, Nimmy Esuoso filed an appeal of the Director's Order to demolish stating that she had numerous conversations with Department staff regarding her desire to complete a restoration agreement with the Department, and homestead the property upon completion, but that she is unable to post the required deposit.

7. At the September 9, 2010, hearing Department staff reported that at the present time there has been no plan submitted to rehabilitate the property and that there appears to be no sufficient funds available to complete a rehabilitation of the property.

CONCLUSIONS

1. The building located at 3822 6th Street N. 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 3822 6th Street N. 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.

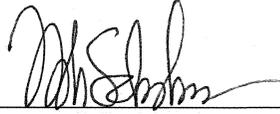
3. The building located at 3822 6th Street N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(3) as evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building.

4. The building located at 3822 6th Street N. 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 3822 6th Street N. meets the definition of a nuisance condition as defined by M.C.O. § 249.30 and a preponderance of the evidence, based upon the criteria listed in M.C.O. § 249.40, demonstrates that the building needs to be razed. The building has been vacant and boarded for over three (3) years. There is no current plan in place by the owner, to rehabilitate the property. With no plan in place to rehabilitate the property and no timeline to complete any rehabilitation the building will continue to be a nuisance in the neighborhood and affect the values of the surrounding properties.

RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 3822 6th Street N.,
Minneapolis, Minnesota, be upheld.



Noah Schuchman
Chair, Nuisance Condition Process Review Panel