

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

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**In the matter of the Appeal of  
Director's Order To  
Demolish the Property  
Located at 1126 6<sup>th</sup> Street N.E.  
Minneapolis, Minnesota.**

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

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This matter came on for hearing before the Nuisance Condition Process Review Panel on December 8, 2011 and February 9, 2012, in City Council Chambers located in Minneapolis City Hall. Noah Schuchman, chair, presided at both hearings and other board members present at the December 8, 2011, hearing included Darrell Washington and Benjamin Foster. Other board members present at the February 9, 2012, hearing included Patrick Todd, Darrell Washington and Benjamin Foster. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Kellie Jones represented the Inspections Division. On December 8, 2011, Alice and Brenda Leese were present as the owners of 1126 6<sup>th</sup> Street N.E. Also present was Stephanie Nelson, an attorney representing American Home Mortgage Servicing, Inc. which held a lien interest in the property. Based upon the Board's consideration of the entire record, the Board makes the following:

**FINDINGS OF FACT**

1. 1126 6<sup>th</sup> Street N.E. is a duplex in the Sheridan neighborhood. The two story structure was built in 1905. The building is 3,552 square feet and sits on a 5,520 square foot lot.
2. The property has been determined to be in substandard condition. The property was identified as a clutter house and a hazard to public health and safety. The property was posted with a Letter of Intent to Condemn for lack of maintenance on May 31, 2011, for health and

safety concerns. The property was placed in the City's Vacant Building Registration program on June 15, 2011. On August 1, 2011, the property was condemned for health and safety concerns. On August 19, 2011, the property was posted with a Letter of Intent to Condemn for lack of maintenance. On September 20, 2011, the property was condemned for lack of maintenance.

3. On August 19, 2011, an inspection was completed at the property which resulted in the issuance of numerous repair orders including but not limited to: Repair interior surfaces, repair water damaged surfaces, repair ceilings, repair walls, repair floors, repair or replace appliances, repair or replace the cabinets/countertops, repair or replace the windows, repair or replace the water heater, repair or replace the foundation, repair or replace the roof. In addition the property was found to be full of debris/clutter and contained numerous cats and numerous dead cats. The property produced a smell that emanated from every room in the property due to the debris, animals dead and alive, and the rotting of materials due to leaks in the roof.

4. The City Assessor's Office rates the overall building condition as average and Uninhabitable.

5. On October 7, 2011, a Director's Order to Demolish the property, located at 1126 6<sup>th</sup> Street N.E. was sent to Alice and Brenda Leese based upon the Inspections Division of the City of Minneapolis determination that the property at 1126 6<sup>th</sup> Street N.E. 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.*

6. On October 21, 2011, the owners, Alice and Brenda Leese, appealed the Director's Order to Demolish. An appeal was also filed by Stephanie Nelson, an attorney representing American Mortgage Servicing, Inc. and a hearing was set for December 8, 2011.

7. Pursuant to M.C.O. § 249.40(1) the building 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 \$145,142.00 to \$200,102.00 based on the MEANS square footage estimate. The assessed value of the property in 2011, is \$184,000.00. The assessed value in 2010 was \$197,500.00 and the

assessed value in 2009 was \$197,500.00. The after rehabilitation value of the property is estimated at \$195,000.00 per the CPED contracted appraiser.

b. The Sheridan Neighborhood Association and property owners within 350 feet of 1126 6<sup>th</sup> Street N.E. were mailed a request for community impact statements. The Department of Inspections received three (3) in response. All three responses stated that the property has had a negative impact on the community and should be demolished. One of the statements stated they observed a steady decline of the property the last several years and “observed with horror as the crews loaded dumpster after dumpster with debris from the home, reeking of cat feces and urine, mold and all manner of filth. The hazardous materials gear and respirators worn by the clean-up crew were as necessity for these terrible conditions.”

c. The Preservation and Design Team staff conducted a historic review of the property finding that the property does not constitute a historic resource and the demolition permits have been signed and returned to Minneapolis Development Review.

d. The vacant housing rate in the Sheridan Neighborhood was around 9.5% in 2010. Of the approximately 700 houses on the city’s Vacant Building Registration, 3 are in the Sheridan Neighborhood, a neighborhood of approximately 1,486 housing units.

8. Based on the condition of the property, the cost to rehabilitate and the after market rehab value the Department recommended that the property should be demolished in order to eliminate the nuisance condition the property constituted.

9. The Leese family stated that Brenda has been diagnosed with Obsessive Compulsive Disorder with Hoarding. They stated that they needed more time to come up with a plan to rehabilitate the property and expressed a desire to rehabilitate the property. The family stated that they had requested a counselor to be present when the property was cleaned up in the fall but that no counselor was present when the City cleaned up the property and that this was very disturbing for Brenda.

10. The family requested additional time to bring forward a restoration plan to Department Staff. They indicated that they would order a code compliance inspection and submit a rehab plan based upon the code compliance inspection.

11. Stephanie Nelson, attorney representing American Home Mortgage Servicing, Inc. which held a lien interest in the property, requested a continuance so that the bank could have a representative go through the property to determine if rehabilitation was an option. Ms. Nelson also stated that the Leese family was three months behind on the mortgage payments and that the property was in all likelihood headed towards foreclosure.

12. Several neighbors testified that the property has had a significant negative impact on the neighborhood due to the garbage that has been stored inside and outside of the property. Some of the neighbors stated that they could not be outside in the summer due to the smell that was coming from the property.

13. The hearing was continued to February 9, 2012, so that a code compliance inspection could be completed and a rehabilitation plan could be presented to the Department.

14. On February 9, 2012, neither Brenda nor Betty Leese appeared at the hearing on this matter. Kellie Jones, Manager of the Problem Properties Unit, testified that the Leeses had not ordered a code compliance inspection for the property and that they had not submitted a

rehabilitation plan for the property. Additionally, Stephanie Nelson had contacted the Department and withdrawn the appeal on behalf of American Home Mortgage Servicing, Inc.

## **CONCLUSIONS**

1. The building located at 1126 6<sup>th</sup> Street N.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 1126 6<sup>th</sup> Street N.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 1126 6<sup>th</sup> Street N.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 1126 6<sup>th</sup> Street N.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.

4. The building located at 1126 6<sup>th</sup> Street N.E. 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 condemned for lack of maintenance and for health and safety concerns. The owner does not have a plan in place to rehabilitate the property and it appears that the property is going into foreclosure. The neighborhood has been greatly affected by the condition of the property due to the hoarding behavior of the owner which has allowed cat urine and feces to permeate from property. Unless the property is demolished the property 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 1126 6<sup>th</sup> Street N.E., Minneapolis, Minnesota, be upheld.

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Noah Schuchman  
Chair,  
Nuisance Condition Process Review Panel