

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

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 111 29th Street W.
Minneapolis, Minnesota.**

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

This matter came on for hearing before the Nuisance Condition Process Review Panel on August 4, 2016, in City Council Chambers located in Minneapolis City Hall. Patrick Todd, chair, presided and other board members present included Dustin Brandt and Brad Foster. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Wayne Murphy represented the Inspections Division of the Department of Regulatory Services. The owner, Diane Turnbull, appeared at the hearing. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 111 29th Street W. is a duplex in the Whittier neighborhood. The 2 story structure is 2,296 square feet, was built in 1900 and sits on a 7,650 square foot lot.
2. The property has been determined to be in substandard condition. The property was condemned for health reasons on July 19, 2012 and added to the City's Vacant Building Registry on December 21, 2015. The property remains vacant and has multiple outstanding orders for violation of the Minneapolis Housing Maintenance Code, these violations include but are not limited to: repair/replace roof, repair/replace windows, repair/replace exterior doors, repair/replace interior surfaces and repair/remove water damaged surfaces.
3. The City Assessor's Office rates the overall building condition as poor.

4. On June 10, 2016, a Director's Order to Demolish the property located at 111 29th Street W. was sent to Diane Turnbull, based upon the Inspections Division of the City of Minneapolis' determination that the property at 111 29th Street W. 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. On July 5, 2016, an appeal was received from Diane Turnbull. The appeal stated that the owner was only appealing the 2 story portion of the house and that the owner agreed that the 1 story rear addition should be demolished. The owner felt that the remaining structure could be rehabilitated as it is sturdy and repairable.

6. 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 \$104,882.00 to \$151,062.00 based on the MEANS square footage estimate. The assessed value of the property in 2014 was \$70,000.00, in 2015 the assessed value was \$84,000.00 and in 2016 the assessed value was 89,500.00. The after rehabilitation value of the property is estimated at \$240,000.00 per the CPED contracted appraiser.

b. The Whittier Alliance and property owners within 350 feet of 111 29th Street W., were mailed a request for community impact statements. The Department of Inspections received four responses. All the responses stated that the property has had a negative impact on the community and should be demolished.

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 Whittier Neighborhood was around 7.9 % in 2010, of the approximately 485 houses on the city's Vacant Building registration,

6 are in the Whittier Neighborhood, a neighborhood of approximately 7,295 housing units.

7. 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. The owner has no plans to rehabilitate the property and only states that a neighbor hopes to purchase the property and complete a rehabilitation of the house. The parties do not have a purchase agreement and there has been no code compliance inspection completed to list the total repairs needed at the property, the interested neighbor has not even been inside the house to see what is needed for repairs.

CONCLUSIONS

1. The building located at 111 29th Street W. 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 111 29th Street W. 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 111 29th Street W. 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 111 29th Street W. meets the definition of 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 111 29th Street W. 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 should be demolished. The owner had not attempted to repair the building and only hopes to sell the property to a neighbor who wishes to rehabilitate the property. There is no purchase agreement and no in depth plans setting out a proposal to rehabilitate the property. With no clear plan by the owner to sell or rehabilitate the property, the property will continue to be a nuisance to the neighborhood.

RECOMMENDATION

That the building located at 111 29th Street W., Minneapolis, Minnesota, be demolished so that it no longer constitutes a nuisance condition.

Patrick Todd
Chair,
Nuisance Condition Process Review Panel