

**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 3405-09 Chicago Avenue S.  
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 May 14, 2009, in City Council Chambers located in Minneapolis City Hall. Patrick Todd, acting chair, presided and other board members present included Geri Meyer, Bryan Tyner and Noah Schuchman. Tom Deegan represented the Inspections Division at the hearing. Chris Tjornhom, owner of the property was present. Based upon the Board's consideration of the entire record, the Board makes the following:

**FINDINGS OF FACT**

1. 3405-09 Chicago Avenue S. is a commercial building in the Powderhorn Park neighborhood. The two-story structure was built in 1906. The building is 7,823 square feet, with 2,741 square feet on each floor. The building sits on a 6,350 square-foot lot.

2. The property located at 3405-09 Chicago Avenue S. is in disrepair. The building violates Section 110 of the Minnesota State Fire Code, Unsafe Buildings.

**110.1.1. Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

**110.3 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

**110.4 Abatement.** The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or correct such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

In 2002 the buildings were boarded when a vehicle hit them and damaged them.

3. The Assessor rates the overall building condition as average minus.

4. The Inspections Division of the City of Minneapolis determined that the property at 3405-09 Chicago Avenue S. 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 3405-09 Chicago Avenue S. 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 \$171,145 to \$331,775, based on the MEANS square footage estimate. The assessed value of the property for 2008 was \$285,000. The after rehab market value, as determined by the CPED contracted appraiser, is \$240,000.

b. The Preservation and Design Team staff conducted a historic review of the property finding that the property has no historic integrity and the demolition will have little or no adverse impact on historical neighborhood context. The Team has signed off on the wrecking permits.

c. The Powderhorn Park Neighborhood Association property owners within 350 feet of 3405-09 Chicago Avenue S. were mailed a request for a community impact statement. The Department of Inspections received sixteen (16) in return. All said the property has had a negative impact on the neighborhood and should be demolished.

6. In 2002 the building located at 3405-09 Chicago Avenue S. was damaged when a vehicle hit the building. The building was boarded to cover the damage and has remained boarded since.

7. The building located at 3405-09 Chicago Avenue S. was added to the City's Vacant Building Registration on September 10, 2007 and has remained vacant since that time and was condemned for being a boarded building on August 20, 2008.

8. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Raze and Remove was mailed on August 1, 2008, to Chris Tjornhom; Christopher and Bethany Tjornhom; Park Midway Bank and James D. Render c/o Realty House. On August 21, 2008, Chris Tjornhom filed an appeal indicating "the buildings' condition can be abated consistent with the requirements of M.C.O. Section 249.40; the buildings are not a nuisance within the meaning of M.C.O. Section 249.30".

9. The matter was then set for hearing on May 14, 2009.

10. At the May 14, 2009, hearing Chris Tjornhom, the owner appeared and he was willing to work to get the property fixed up and rented but that he is short on financing at this time and cannot begin the rehabilitation without the financing. Mr. Tjornhom asked the City for help in securing financing and in finding possible renters for the property. The Department indicated that Mr. Tjornhom's plan to rehabilitate is acceptable but because the owner lacks the finances to complete the rehabilitation the Department recommends demolition.

11. Michael Paul, a neighbor of 3206 Pillsbury Avenue S. stated that the property has been nothing but problems for years and that it is the worst house on the block. Mr. Paul stated that if rehabilitation could be completed quickly that the neighborhood would prefer

rehabilitation to a vacant lot but if the rehabilitation could not be completed quickly then the building needs to be demolished so the negative effect on the neighborhood ends.

## CONCLUSIONS

1. The building located at 3405-09 Chicago Avenue S. 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 3405-09 Chicago Avenue S. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as 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 days.

3. The building located at 3405-09 Chicago Avenue S. 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,

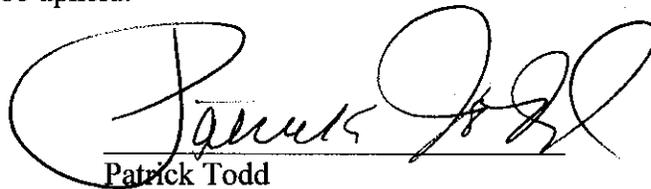
4. The building located at 3405-09 Chicago Avenue S. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(4) as evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

5. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, the Director of Inspection's recommendation to raze the building located at 3405-09 Chicago Avenue S. is

appropriate. The building 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 razing the building is appropriate. The building has been vacant and boarded for several years. This property has been neglected to the point that it has had a negative impact on the community and will continue to have a negative impact if it is not removed. Additionally, because of his inability to secure financing, the owner is not in a position to begin rehabilitation of the property and the neighborhood will continue to suffer the negative effects from this vacant and boarded building if it is not demolished.

#### RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 3405-09 Chicago Avenue S. Minneapolis, Minnesota, be upheld.

A handwritten signature in black ink, appearing to read "Patrick Todd", written over a horizontal line.

Patrick Todd  
Acting Chair,  
Nuisance Condition Process Review Panel