

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L027-50127
HAYFORD AUTO REPAIR for MOTOR VEHICLE REPAIR GARAGE

Held by:
**HAYFORD AUTO LLC
ATTN: SAMUEL O MULARI
3403 CEDAR AVE S
MINNEAPOLIS, MN 55407**

09-0712005

This matter came to a License Settlement conference on Monday, July 13, 2009. Appearing for the Department were Deputy Director Ricardo Cervantes and Lead Inspector Julie Casey. Zoning Inspector Stuart Roberson appeared for CPED. Appearing for Hayford Auto repair was Samuel Mulari. Based on the information presented at the hearing the department makes the following findings of fact.

FINDINGS OF FACT

1. On June 28, 2005, the Planning and Zoning Department reviewed and approved the site plan for Hayford Auto Repair at 3403 Cedar Avenue. Per Planning and Zoning Department approval, all aspects of the approved plan were to be completed by June 28, 2006.
2. Zoning inspector Stuart Roberson inspected the property for compliance on the following Date:
 - a. August 10, 2007-no improvements completed
 - b. October 10, 2007-no improvements completed
 - c. March 2008- Samuel Mulari returns to Zoning to request changes to the plan. Mr. Mulari submits and new site plan and it was denied.

- d. July 24, 2008-no improvements completed. \$400 in administrative fines issued for failure to install the landscape strip and not screening the trash container. The fine was never paid.
 - e. October 14, 2008-no improvements complete. \$1000 in administrative fines were issued for failure to install the landscape strip, not screening the trash container and not providing concrete curbing. The fine was never paid.
 - f. November 1, 2008-no improvements completed. \$2000 in administrative fines were issued for failure to install strip, not screening the trash container and no providing concrete curbing. The fine was never paid.
 - g. December 10, 2008-no improvements completed. A \$1600 administrative fine was issued for failure to screen the trash container. The fine was never paid
 - h. February 12, 2009-no improvements completed. A \$2000 administrative fine was issued for failure to screen the trash container.
 - i. May 2009- Zoning Inspector Roberson refers the failure to comply with site plan improvement and failure to pay administrative citations in the amount of \$7000 to Licenses for assistance.
3. The first License Settlement Conference was held on Wednesday, June 3, 2009. The above allegations were outlined to Mr. Mulari. Mr. Mulari contended that the plan submitted would have resulted in his inability to use the rear garage bays and would result in the loss of his business. Zoning Inspector Roberson agreed to remeasure the plan with Mr. Mulari in attendance to determine if his allegation was correct. The hearing was set to continue on Monday, July 13, 2009. Mr. Mulari was required to screen his dumpster enclosure before the next hearing date. At the next hearing, Zoning Inspector Roberson agreed that the dumpster was screened and met with the minimum Zoning requirements. Inspector Roberson reported that he measured the plan, as it was submitted and showed Mr. Mulari that he could fit vehicles in his parking spaces and that the landscaping set back would not interfere with his rear garage bays. Mr. Mulari stated that completing the site plan improvements would be a problem due to the amount of money it would cost. Inspector Roberson agreed to some changes to the site plan at the hearing that should reduce some costs. Mr. Mulari agreed to complete the site plan improvements by September 1, 2009.

CONCLUSIONS

1. Failure to comply with Minneapolis Zoning Code 530.90. Failure to complete the required site improvements in a timely manner.
2. Failure to pay administrative citations in violation of Minneapolis Code of Ordinance 259.15.

RECOMMENDATIONS

1. The administrative fines in the amount of \$7000 will be stayed under the following conditions.
 - a. \$2000 of the fine will be due and payable on September 1, 2009. \$1000 of that fine will be waived if the entire site plan improvements are completed as determined by Minneapolis Zoning.
 - b. All site plan improvements, as specified in the plan and follow up correspondence from Inspector Roberson, should be completed by September 1, 2009.

