

FINDINGS OF FACT
1734 Como Ave SE
David Marks

Mr. David L. Marks is the owner of property at the listed address of 1734 Como Avenue S.E. As the owner of this property Mr. Marks applied for and was awarded a rental license for the property.

On September 1, 2005 a Rental License Inspection was completed at the property. During the inspection it was discovered that the attic room at the property was being used as a habitable room illegally as the room did not meet the minimum requirements for a habitable room. The property was placarded for unlawful occupancy and a Director's Determination of Noncompliance was sent to Mr. Marks on September 20, 2005.

On Wednesday January 11, 2006 Mr. Marks appeared before the Housing Board of Appeals to appeal the order to discontinue allowing the use of the attic unit as a habitable room. The Housing Board of Appeals, in a unanimous decision, denied Mr. Marks appeal stating that "the ceiling height does not meet the minimum standard of 7ft, the ceiling angle drops too suddenly, the steps to the 2nd floor are not up to code, and the heating unit in that space is not up to code".

On April 29, 2008 a Rental License Inspection was completed at the property. During the inspection it was discovered that the attic room was again being used illegally, as a habitable room, and the property was placarded for unlawful occupancy.

On June 5, 2008 a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to Mr. Marks based upon violation of Minneapolis Code of Ordinances § 244.1910 (3) unlawful occupancy.

On June 19, 2008 Mr. Marks filed a timely appeal of the notice of revocation. Mr. Mark's appeal stated that "the lease informed the tenants that the third floor was not a bedroom. They violated the lease. I have locked the third floor and instructed the tenants to move out". A hearing before the Rental Dwelling License Board of Appeals was set for August 12, 2008.

At the August 12, 2008 Appeals Hearing a quorum of Board Members was not met and the hearing was cancelled with a new hearing date to be set in the future. On August 19, 2008, Mr. Marks sent a letter to the Housing Inspections indicating that he wished to drop his appeal to the Notice of Revocation