

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

---

**In the matter of the Appeal of  
Director's Order To  
Demolish the Property  
Located at 2842 31<sup>st</sup> Ave. S.  
in Minneapolis, Minnesota.**

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

---

This matter came on for hearing before the Nuisance Condition Process Review Panel at Rental Dwelling License Board of Appeals at 2:30 p.m. on May 10, 2007 in City Council Chambers located in Minneapolis City Hall. Board Chair Burt Osborne presided. Other board members present included Patrick Todd, Dave Dewall and Elfric Porte. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Tom Deegan, Manager Minneapolis Problem Properties Unit and Wayne Murphy represented the Inspections Division. David Ceason and Rhonda Anderson were present and represented the owner of 2842 31<sup>st</sup> Ave. S., Robert J. Anderson. This was first heard before the Review Panel on April 12, 2007 and had been continued to this date. Based upon the Board's consideration of the entire record, the Board makes the following:

**FINDINGS OF FACT**

1. Robert J. Anderson owns the property located at 2842 31<sup>st</sup> Ave. S, Minneapolis, Minnesota. The structure, a duplex in the Longfellow neighborhood, is a 2.2 story house built in 1900. The building is 2, 016 square feet and sits on a 6,144 square foot lot. Each unit has two bedrooms and two bathrooms. The building was condemned on July 24, 1997 and the windows and doors have been boarded since 1997.

2. The Inspections Division of the City of Minneapolis determined that the property at 2842 31<sup>st</sup> Ave. S. meet 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; or*

*(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. 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 \$161,000 to \$181,400, based on the MEANS square footage estimate. The assessed value of the property is \$95,000 (2007), \$170,000 (2006). The estimated value after rehab according to the appraisal obtained from Minneapolis Community Planning and Economic

Development staff is \$181,500. The Assessor rates the condition of the building as poor. The property has no architectural or historic value/designation.

b. There is \$5,883.00 in special assessments on the property from 2006 and another \$2,934.00 pending for 2007. The real estate taxes for the years 2003 to 2006 are not paid and total \$25,416.56 and there is an additional \$33,246.71 in liens against the property.

c. The vacant housing rate in the Longfellow neighborhood is around 2.5%. Of the approximately 449 houses on the city's Vacant Building Registration, 4 are in the Longfellow neighborhood, a neighborhood of approximately 2,360 housing units.

d. The Longfellow Area Community Council and the owners of properties within 350 feet of 2200 Golden Valley Road were mailed a request for a community impact statement. The Inspections Division received three impact statements in return. Two impact statement recommended demolition, the other recommended repair/renovation. All three of the community impact statements commented that the property has had a negative impact on the neighborhood.

4. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Demolish was mailed to Mr. Anderson on March 5, 2007.

5. On March 23, 2007 Mr. Anderson's children, Rhonda Anderson and David Ceason filed an appeal of the Director's order to demolish pursuant to M.C.O. § 249.45(c) and this proceeding was commenced on April 12, 2007.

6. On April 12, 2007 Mr. Ceason and Ms. Anderson indicated that they had just become aware of the condition of the building and stated that they were working with Flag

Builders to determine the scope and cost of renovation. Mr. Ceason and Ms. Anderson requested time to complete a Code Compliance Inspection to determine if the renovation of the building was feasible.

7. The matter was continued to May 10, 2007 for a Code Compliance Inspection to be completed and for Mr. Ceason and Ms. Anderson to submit a detailed rehabilitation plan to the Department of Inspections and enter into a restoration agreement with the department.

8. On May 10, 2007 Mr. Ceason and Ms. Anderson appeared for the continued hearing before this board having completed the Code Compliance Inspection but without having submitted a detailed rehabilitation plan to the Inspections Department or without a rehabilitation agreement.

9. Mr. Ceason and Ms. Anderson stated that they were unable to complete a detailed rehabilitation plan due to the fact that the Code Compliance Inspection had just recently occurred. Department of Inspections staff indicated that Mr. Ceason and Ms. Anderson had completed the Code Compliance Inspection as quickly as they could have because of the limited amounts of dates available for the Code Compliance Inspections.

10. Mr. Ceason and Ms. Anderson stated that they have met with Hennepin County officials and have come to an agreement to pay the back taxes on the property through a payment schedule.

### **CONCLUSIONS**

1. The building located at 2842 31<sup>st</sup> Ave. 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 2842 31<sup>st</sup> Ave. 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. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, The Director of Inspection's order to demolish the building located at 2842 31<sup>st</sup> Ave. 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 demolition of the building is appropriate. The building has been vacant and boarded for over one year and was the subject of a fire causing substantial damage. The assessor rates construction quality of the building as poor. In addition the community feels that the property has had a negative impact on the neighborhood, the building has no historic value.

### **RECOMMENDATION**

That the Director of Inspections' Order to Demolish the building located at 2842 31<sup>st</sup> Ave. S., Minneapolis, Minnesota be upheld but stayed until June 7, 2007 to allow Mr. Ceason and Ms. Anderson to complete a detailed rehabilitation plan and enter into a restoration agreement with the Department of Inspections.

---

Burt Osborne  
Chair,  
Nuisance Condition Process Review Panel