

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

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 1626 3rd Street N.E.
Minneapolis, Minnesota.**

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

This matter came on for hearing before the Nuisance Condition Process Review Panel on August 12, 2010. Noah Schuchman, chair, presided and other board members present included Patrick Todd, Pete Pelletier and Bryan Tyner. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Tom Deegan represented the Inspections Division at the hearing. David Suhadolnik, owner appeared. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 1626 3rd Street N.E. is a duplex in the Sheridan Neighborhood. The 2.5 story structure was built in 1900. The building is 2,016 square feet and sits on a 5,445 square foot lot.
2. The property located at 1626 3rd Street N.E. has been determined to be substandard. An inspection at the property has revealed the following concerns: the soffits and fascia on the building are completely rotted, the brick veneer on the building has areas in desperate need of tuck pointing and in some areas the bricks have fallen off. Water intrusion from the failing roof has caused mold, deterioration of the walls and ceilings and buckled the wood flooring throughout the entire house. The first floor kitchen and bath areas have been gutted to the studs and much of the copper plumbing and wiring has been stolen. The foundation of the home is damp and moldy and has evidence of failure and a structural engineer's report

may be required. The sewer lines in the basement have frozen and burst. There are currently fourteen (14) open housing orders on the property and there have been eight (8) orders written on the property to remove rubbish or cut grass/weeds since May of 2009.

3. The Assessor rates the overall building condition as fair and uninhabitable.

4. The Inspections Division of the City of Minneapolis determined that the property at 1626 3rd Street N.E. 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 1626 3rd Street N.E. 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 \$111,000.00 and \$149,124.00 based on the MEANS square footage estimate. The assessed value of the property for 2009 was \$92,300 and for 2010 the assessed value is \$200,00.00. The after rehab market value is estimated at \$140,000 based on the assessment of an independent appraiser.

b. The Sheridan Neighborhood Organization and property owners within 350 feet of 1626 3rd Street N.E. were mailed a request for community impact statements. The Department of Inspections received eight (8) in response. All state that the property has had a negative impact on the community and seven (7) state that it should be demolished.

c. In 2000 the vacant housing rate in the Sheridan Neighborhood was around 5%. Of the approximately 726 houses on the city's Vacant Building Registration, 9 are in the Sheridan Neighborhood, a neighborhood of approximately 1,301 housing units.

6. The building located at 1626 3rd Street N.E. added to the City's Vacant Building Registry on August 3, 2007, and was condemned for being a boarded building on November 2, 2007. The building has remained vacant and boarded since the fall of 2008.

7. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Raze and Remove was mailed on February 12, 2010, to David and Debra Suhadolnik and TCF Bank. On March 12, 2010, David Suhadolnik filed an appeal of the order to demolish stating that he wished to re-establish personal residency at the property after treatment for a medical condition and stated that he had secured contractors for the needed repairs. A hearing was set for August 12, 2010.

8. At the August 12, 2010, hearing Mr. Suhadolnik testified that he was paralyzed two years ago and has been in in-patient rehabilitation as recently as July of 2010, and hopes to live at the property after the property is fixed up. Mr. Suhadolnik stated that he has obtained a line of credit from TCF Bank that would be used to complete the repairs and has brought in a general contractor who would do the repair work at the property. Mr. Suhadolnik's general contractor stated that he is willing to do the work but has not put together a proposed rehabilitation plan nor has he or the owner ordered a Code Compliance Inspection which would list the required repairs. Department staff indicated that Mr. Suhadolnik has spoken with them several times but has not ordered the Code Compliance Inspection and has not submitted plans for the rehabilitation of the property. At the current time there are no bids or formal plan to rehabilitate the property.

CONCLUSIONS

1. The building located at 1626 3rd Street N.E. 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 1626 3rd Street N.E. 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 1626 3rd Street N.E. 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 1626 3rd Street N.E. meets the definition of a 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 1626 3rd Street N.E. 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 needs to be razed. The building has been vacant and boarded or over three (3) years. There is no current plan in place by anyone, with an interest in the property, to rehabilitate the property. With no plan in place to rehabilitate

the property and no timeline to complete any rehabilitation the building will continue to be a nuisance in the neighborhood and affect the values of the surrounding properties.

RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 1626 3rd Street N.E., Minneapolis, Minnesota, be upheld.



Noah Schuchman
Chair,
Nuisance Condition Process Review Panel