

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

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 2728 Stevens Avenue N.
Minneapolis, Minnesota.**

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

This matter came on for hearing before the Nuisance Condition Process Review Panel on January 14, 2010. Burt Osborne, Panel Chair, presided and other board members present included, Patrick Todd, Bryan Tyner, and Elfric Porte. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Grant Wilson represented the Inspections Division at the hearings. Noy Oudavanh, a potential purchaser for the property appealed the order to demolish but did not appear. The owner, Wilson Molina did appear at the hearing. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 2728 Stevens Avenue is a 4-plex in the Whittier neighborhood. The two story structure was built in 1900. The building is 4,604 square feet and sits on a 5,129 square foot lot.
2. The property located at 2728 Stevens Avenue has been determined to be substandard. The roof needs to be replaced, as does the rotting decking, flashing and ventilation system. Repairs to the structure may require a structural engineer's report due to the failing foundation which is shown by cracks, the need for tuckpointing and buckling and settlement of the foundation which all need to be repaired. The ceiling is failing, resulting in water intrusion into the interior. Floor decking is warped and must be replaced. Exterior steps must be replaced to be code compliant. Exterior siding, soffit, fascia, trim and gutters are in disrepair and need

replacement. Copper is missing from the building and there is evidence of bird or rodent intrusion into the building. A new heating plant and piping must be installed and asbestos must be abated. The property has 22 open housing orders, including orders to repair/replace the windows, repair/replace doors, repair floors, repair walls, repair/refinish ceilings and repair or replace the cabinets and counters.

3. Since the building was condemned on October 16, 2006, the City has hired contractors to re-board the building four (4) times and to cut the grass/vegetation five (5) times.

4. The building located at 2728 Stevens Avenue 401 Logan Avenue N. was condemned for being a boarded building and added to the City's Vacant Building Registry on October 16, 2006. The building has remained vacant and boarded since the fall of 2006.

5. As the property has been vacant for more than one year it has lost its non-conforming rights to be used as a four-plex.

6. The Assessor rates the overall building condition as fair.

7. The Inspections Division of the City of Minneapolis determined that the property at 2728 Stevens Avenue 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.

8. Pursuant to M.C.O. § 249.40(1) the building located at 2728 Stevens Avenue 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 \$195,016.00 and \$271,336.00 based on the MEANS square footage estimate. The assessed value of the property for 2008 was \$284,000 and \$125,000 for 2009. The after rehab market value is estimated at \$260,000, based on the assessment of the CPED contracted appraiser.
- b. The Whittier Alliance and property owners within 350 feet of 2728 Stevens Avenue were mailed a request for community impact statements. The Department of Inspections received two (2) in response. One states that the property has had a negative impact on the community because it has been vacant for so long, but that it should be rehabilitated because it would be more quickly

utilized than a vacant lot. The other states that the property has had no impact and should be repaired.

c. In 2000 the vacant housing rate in the Whittier Neighborhood was around 3%. Of the approximately 831 houses on the city's Vacant Building Registration, 16 are in the Whittier Neighborhood, a neighborhood of approximately 7,265 housing units.

9. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Raze and Remove was mailed on November 4, 2009, to Wilson Molina. On November 13, 2009, Noy Oudavanh, a potential purchaser of the property, filed an appeal of the order to demolish. In the appeal Noy Oudavanh stated that the property will be totally remodeled and brought back to code within a reasonable time frame. The appeal hearing was then set for January 14, 2010.

10. At the January 14, 2010, appeal hearing the owner, Wilson Molina appeared and requested time to sell the property or rehab the property, however no specific plan was presented to rehabilitate the property nor had any plan been submitted to the Department of Inspections. No solid time frame was given for completion of any rehabilitation nor was any source of financing, to complete the rehabilitation, presented.

CONCLUSIONS

1. The building located at 2728 Stevens Avenue 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 2728 Stevens Avenue 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 2728 Stevens Avenue 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.

4. The building located at 2728 Stevens Avenue 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 for nearly three and a half years. The potential new owners do not have a plan in place to rehabilitate the property and have no estimate as to the cost of rehabilitation. The current owner appears to have bought the property with only the hope to sell the property to someone who would be willing 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 2728 Stevens Avenue, Minneapolis, Minnesota, be upheld.



Burt Osborne
Chair,
Nuisance Condition Process Review Panel