

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

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 3742 Fremont Ave. N.
Minneapolis, Minnesota.**

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

This matter came on for hearing before the Nuisance Condition Process Review Panel on June 12, 2008 in City Council Chambers located in Minneapolis City Hall. Burt Osborne presided and other board members present included Patrick Todd, Bryan Tyner and Geri Meyer. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Wayne Murphy and Bryan Starry represented the Inspections Division. The owner Michael Yesnes did not appear for the hearing. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 3742 Fremont Avenue N. is a single family home in the Folwell neighborhood. The one-story split-entry house was built in 1980. The building has a finished basement area of 408 square feet and a first floor living space of 816 square feet. The building is on a 5052 square-foot lot. The building has 2 bedrooms and one bathroom.
2. The property located at 3742 Fremont Avenue N. sustained a fire on November 26, 2007 which severely damaged the building. The property was condemned for being a boarded building on January 29, 2008.
3. The Assessor rates the overall building condition as fair but uninhabitable.

4. The Inspections Division of the City of Minneapolis determined that the property at 3742 Fremont Avenue N. 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.

(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 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 \$73,400- \$97,900 based on the MEANS square footage estimate. The estimated market value after rehab

according to the appraisal obtained from Minneapolis Community Planning and Economic Development staff is \$81,600.00. The assessed value of the property is \$61,200 (2008). In 2007 the assessed value was \$111,000. The decreased value was the result of the fire and the over-all decline in housing values. The property was reviewed and exhibited no historical value.

b. Taxes on the property are current.

c. The Folwell Neighborhood Association and the owners within 350 feet of 3742 Fremont Avenue N. were mailed a request for a community impact statement. The Department of Inspections received four in return, three recommended demolition and commented that the property has had a negative impact on the neighborhood. One statement did not recommend demolition or rehabilitation but did comment that the property is a detriment to the community as it is now.

d. The vacant housing rate in the Folwell neighborhood was near 5% in 2000, but the vacancy rate is much higher now because of the foreclosure crisis in North Minneapolis. Of the approximately 924 houses on the city's Vacant Building Registration, 31 are in the Folwell neighborhood alone, a neighborhood of approximately 2,153 housing units.

6. Mr. Michael Yesnes purchased the property in February of 1985 from Donald E. Olson.

7. The property was posted with a letter of intent to condemn for being a boarded building on November 28, 2008. The boards were not removed and the building was condemned for being a boarded building on January 29, 2008 and placed on the Vacant Building Registration on January 30, 2008.

8. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Demolish was mailed on March 28, 2008 to A/Z Properties Management Inc. and Michael J. Yesnes. Michael Yesnes of A/Z Properties filed an appeal of the order to demolish on April 16, 2008. Mr. Yesnes stated in his appeal that he was attempting to find a buyer for the property who would be willing to enter into a restoration agreement with the Department. A hearing was set for June 12, 2008.

9. At the June 12, 2008 hearing the neither Mr. Yesnes nor any other interested parties appeared to request that the property be allowed to be rehabilitated.

CONCLUSIONS

1. The building located at 3742 Fremont Avenue N. 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 3742 Fremont Avenue N. 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 days.

3. The building located at 3742 Fremont Avenue N. meets the definition of 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. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, The Director of Inspection's recommendation to raze the building located at 3742 Fremont Avenue N. 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 razing the building is appropriate.

RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 3742 Fremont Avenue N., Minneapolis, Minnesota be upheld.

A handwritten signature in black ink, appearing to read "B.T.O.", with a long horizontal flourish extending to the right.

Burt Osborne
Chair,
Nuisance Condition Process Review Panel