

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

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 2819 Bloomington Ave. S.
Minneapolis, Minnesota.**

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

This matter came on for hearing before the Nuisance Condition Process Review Panel on March 12, 2009 and April 9, 2009, in City Council Chambers located in Minneapolis City Hall. Burt Osborne, chair, presided at both hearings, other board members present for the March 12, 2009 hearing included Jim Dahl, Patrick Todd and Elfric Porte. Other board members present for the April 9, 2009 hearing included Bryan Tyner and Geri Meyer. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Tom Deegan and Brian Young represented the Inspections Division. Tim Maher Esq. was present for both hearings and represented the owner, Delfino Mendoza Salgado, who was also present. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 2819 Bloomington Avenue S. is a duplex in the East Phillips neighborhood. The two-story structure was built in 1900. The building is 1,922 square-feet, with 1,074 being the first floor and 918 being the second floor. The building sits on a 5,057 square-foot lot.

2. The property located at 2819 Bloomington Avenue S. is in disrepair. There are 43 open housing orders on the property. A recent Code Compliance inspection resulted in orders including but not limited to; repair/replace missing and damaged siding/stucco, repair cracks, tuck-pointing, buckling, settlement to foundation, repair/replace basement floor, remedy

basement mold issues, repair/replace stairs, replace furnaces, replace and check gas piping, replace venting system, remedy unapproved plumbing materials and methods, repair water piping and service to code, repair or replace missing or broken glass, repair/replace loose and deteriorating windows, repair and refinish deteriorated walls and ceilings, identify and fix moisture problem.

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

4. The building was condemned for being a boarded building and added to the City's vacant building registration on November 28, 2007.

5. The Inspections Division of the City of Minneapolis determined that the property at 2819 Bloomington Avenue S. 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.*

6. 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 \$100,372 to \$136,828 based on the MEANS square footage estimate. The assessed value of the property in 2008 was \$112,600; the 2009 assessed value is \$90,700.
- b. The CPED contracted appraiser determined the after-rehab market value of the property to be \$205,000.
- c. The Preservation and Design Team staff conducted a historic review of the property finding that demolition is okay.
- d. The East Phillips Improvement Coalition and property owners within 350 feet of 2819 Bloomington Avenue S. were mailed a request for a community impact statement. The Department of Inspections received one in return; it states that the property has had a negative impact on the community and should be demolished.
- e. The vacant housing rate in the East Philips neighborhood is around 6%. Of the approximately 818 houses on the city's Vacant Building Registration, 17 are in the Jordan neighborhood, a neighborhood of approximately 1,162 housing units.

7. On November 28, 2007, the property located at 2819 Bloomington Avenue S. was condemned for being a boarded building.

8. On April 1, 2008 Craig Murphy of Epic Realty applied for a Code Compliance Inspection for the property located at 2819 Bloomington Avenue S.

9. On November 20, 2008, Delfino Mendoza Salgado purchased the property located at 2819 Bloomington Avenue S.

10. 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 2, 2009, to Craig Murphy; Ownit Mortgage Solutions, Inc.; MERS; Usset, Weingarden and Liebo PLLP and Delfino Mendoza Salgado.

11. On February 10, 2009, Delfino Mendoza Salgado filed an appeal of the Director's Order to Demolish stating "Just bought the house on Nov. 20, and I want to fix it up for my kids and their kids. Did not know that it was going to be demolished."

12. At the March 12, 2009, hearing the matter was continued for the owner to establish financing to support a restoration agreement. The matter was then continued to April 9, 2009.

13. At the April 9, 2009, hearing Scott Bariball appeared and stated that he was willing to finance the restoration of the property, which was estimated by the owner to be approximately \$70,000.

14. Brian Young, of the Department of Inspections, stated that staff believes the owner has an adequate plan and financing to move forward, even though a few items were missing. The matter was continued for one cycle for a restoration agreement to be completed.

15. The owner contacted Department staff the week of April 13, 2009 requesting that this matter be brought forward, as soon as possible, to the Public Safety and Regulatory Services Committee of the Minneapolis City Council, due to exigent circumstances.

CONCLUSIONS

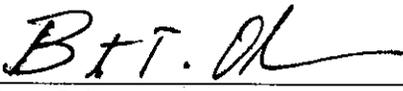
1. The building located at 2819 Bloomington Avenue S. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(1) as the building is vacant and unoccupied for the purpose for which it was erected and the building has remained in such a condition for a period of at least six months.

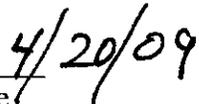
2. The building located at 2819 Bloomington Avenue S. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty days.

3. The building located at 2819 Bloomington Avenue S. meets the definition of a 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;

RECOMMENDATION

The Board sends this matter to the Public Safety and Regulatory Services Committee of the Minneapolis City Council without recommendation with regards to the Director of Inspections' Order to Raze the building located at 2819 Bloomington Avenue S.


Burt Osborne
Chair,
Nuisance Condition Process Review Panel


Date