

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

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**In the matter of the Appeal of  
Director's Order To  
Demolish the Property  
Located at 2646 16<sup>th</sup> Avenue S.  
Minneapolis, Minnesota.**

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

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This matter came on for hearing before the Nuisance Condition Process Review Panel on April 9, 2009 and June 11, 2009, in City Council Chambers located in Minneapolis City Hall. On April 9, 2009, Burt Osborne, chair, presided and other board members present included Bryan Tyner and Geri Meyer. On June 11, 2009, Noah Schuchman, acting chair, presided and other board members present included Bryan Tyner and Pete Pelletier. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Wayne Murphy represented the Inspections Division at the hearing. Tom Nguyen, owner of the property, was present. Based upon the Board's consideration of the entire record, the Board makes the following:

**FINDINGS OF FACT**

1. 2646 16<sup>th</sup> Avenue S. is a duplex in the East Phillips neighborhood. The 2.5 story structure was built in 1900. The building is 2,384 square feet and sits on a 4,940 square foot lot.
2. The property located at 2646 16<sup>th</sup> Avenue S. has been determined to be substandard due to rotten framing members, damp and moldy basement, water damage, failing roof, missing copper, illegal and unsafe wiring, illegal and substandard plumbing, failing exterior porch.
3. The Assessor rates the overall building condition as fair.

4. The Inspections Division of the City of Minneapolis determined that the property at 2646 16<sup>th</sup> 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.*

5. Pursuant to M.C.O. § 249.40(1) the building located at 2646 16<sup>th</sup> Avenue S. 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 \$126,990 to \$175,002 based on the MEANS square footage estimate. The assessed value of the property for 2008

was \$159,300. The 2009 assessed value of the property is 113,700. The after rehab market value, as determined by the CPED contracted appraiser, is \$200,000.

b. The East Phillips Improvement Coalition and property owners within 350 feet of 2646 16<sup>th</sup> Avenue S. were mailed a request for a community impact statement. The Department of Inspections received three (3) in return. All three (3) said the property has had a negative impact on the neighborhood and should be demolished.

c. In 2000 the vacant housing rate in the East Phillips neighborhood was around 6%. Of the approximately 839 houses on the city's Vacant Building Registration, 17 are in the East Phillips neighborhood, a neighborhood of approximately 1,162 housing units.

6. The building located at 2646 16<sup>th</sup> Avenue S. was added to the City's Vacant Building Registration on December 11, 2006 and was condemned for being a boarded building on September 7, 2007 and has remained vacant and boarded since that time.

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 2, 2009, to Hong Phan and National Asset Management Group, Inc. On February 11, 2009, Hong Phan and Tom Nguyen filed an appeal stating that "Based on the Truth in Housing inspection report provided from City of Minneapolis website and from listing agent, did not show that property was condemned."

8. The matter was then set for hearing on April 9, 2009. At that meeting, the panel voted to continue the hearing to its June 11, 2009 meeting.

9. Prior to the June 11, 2009, hearing the owners met with department staff and presented a plan for the rehabilitation of the property that met staff approval.

10. Department staff now recommends that the owners be allowed to rehabilitate the property to remove the nuisance condition it is currently in.

### CONCLUSIONS

1. The building located at 2646 16<sup>th</sup> 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 2646 16<sup>th</sup> 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 2646 16<sup>th</sup> Avenue S. 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. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, the Director of Inspection's recommendation to rehabilitate the building located at 2646 16<sup>th</sup> Avenue 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 rehabilitating the building is appropriate. The new owner of the building has stepped forward with an acceptable plan to rehabilitate the property. The new owner has shown that financing is available to complete the rehabilitation of the property. By rehabilitating this property according to the plan submitted to department staff, the owner will eliminate a nuisance condition that has had a negative impact in the neighborhood

**RECOMMENDATION**

That the Director of Inspections' Order to Rehabilitate the building located at 2646 16<sup>th</sup> Avenue S. Minneapolis, Minnesota, be upheld.



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Noah Schuchman  
Acting Chair,  
Nuisance Condition Process Review Panel