

**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 2214 4<sup>th</sup> Avenue N.  
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 August 6, 2009, Burt Osborne, chair presided and other board members present included Bryan Tyner, Gerri Meyer and Patrick Todd. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Tom Deegan represented the Inspections Division at the hearing. Donna Ford, a former 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. 2214 4<sup>th</sup> Avenue N. is a fourplex in the Harrison Neighborhood. The 2 story structure was built in 1916. The building is 5,832 square feet and sits on a 7,035 square foot lot.
2. The property located at 2214 4<sup>th</sup> Avenue N. has been determined to be substandard. The property is in disrepair and a recent inspection has revealed water intrusion, structural defects, roof failure, mold infestation, need for a new furnace and new water heater, and evidence of a fire. Additionally, there is evidence of wiring installed without permits being pulled for the work, which would have to be brought up to code. In 2008, the City of Minneapolis levied \$6,833.09 in special assessments against the property.
3. The Assessor rates the overall building condition as average minus.

4. The Inspections Division of the City of Minneapolis determined that the property at 2214 4<sup>th</sup> 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.*

*(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 2214 4<sup>th</sup> Avenue N. 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 \$189,748.00 to \$264,336.00 based on the MEANS square footage estimate. The assessed value of the property for 2008 was \$250,000. The 2009 assessed value of the property is \$212,500.

b. The after rehab market value as determined by the CPED contracted appraiser is \$280,000.

c. The Harrison Neighborhood Association and property owners within 350 feet of 2214 4<sup>th</sup> Avenue N. were mailed a request for a community impact statement. The Department of Inspections received two (2) in return. Both stated that the property has had a negative impact on the community. One said the structure should be demolished, and the other said that unless it can be rehabilitated in a cost effective way, it should be demolished.

d. In 2000 the vacant housing rate in the Harrison Neighborhood was around 8%. Of the approximately 822 houses on the city's Vacant Building Registration, 19 are in the Harrison Neighborhood, a neighborhood of approximately 1,330 housing units.

6. The building located at 2214 4<sup>th</sup> Avenue N. was condemned for being a boarded building on January 22, 2008, and added to the City's Vacant Building Registration on April 21, 2008. The building 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 June 12, 2009, to April Tatum MERS; First Franklin Bank; Josh DuBois and Donna Ford. On July 2, 2009, Donna Ford filed an appeal stating she

“would like to contest and appeal the demolition of the property in order for me to get the title from Franklin Bank and April Tatum so that me and my children can gut the property and basically start over.” The matter was then set for hearing on August 6, 2009.

8. At the August 6, 2009, hearing Donna Ford stated that 2214 4<sup>th</sup> Avenue N. had been in her name since 1995 but that through what she believes was predatory lending the title of the property is now in the name of April Tatum. She hopes to get the property back in her name and renovate it to allow her children and grandchildren to live there. Ms. Ford did not have estimates on the cost of rehab, only a belief that the rehab would be approximately \$20,000 to \$40,000 per unit for the fourplex. Ms. Ford did not present any source of financing available to her for rehabilitation if she were to get the property back in her name.

### CONCLUSIONS

1. The building located at 2214 4<sup>th</sup> 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 2214 4<sup>th</sup> Avenue N. 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 2214 4<sup>th</sup> Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(3) as evidence, including but not limited to

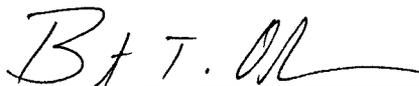
neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building.

4. The building located at 2214 4<sup>th</sup> Avenue N. 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 2214 4<sup>th</sup> Avenue N. 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 over a year. The person hoping to rehabilitate the property does not have title to the property and has not shown the finances necessary to complete the costly rehabilitation. The property will continue to be a nuisance to the neighborhood as it sits and waits for Ms. Ford to attempt to gain title and gain the necessary financing. The building is not needed for housing in the neighborhood.

#### RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 2214 4<sup>th</sup> Avenue N., Minneapolis, Minnesota, be upheld.



Burt Osborne  
Chair,  
Nuisance Condition Process Review Panel