

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0457R

REPLACEMENT

RESOLUTION REVERSING THE DECISION OF THE BUILDING APPEAL BOARD TO UPHOLD AN ORDER OF CONDEMNATION FOR HUMAN HABITATION AT 2001 WEST SUPERIOR STREET (THE SEAWAY HOTEL) AND DENY A REQUEST FOR AN EXTENSION OF THE DEADLINE FOR TENANTS TO VACATE THE BUILDING BY 180 DAYS.

CITY PROPOSAL:

RESOLVED, that the city council finds as follows:

(a) On July 10, 2012, the life safety division of the Duluth fire department issued a notice and order of condemnation for human habitation at 2001 West Superior Street (the Seaway Hotel);

(b) On July 23, 2012, the owner of the property appealed the habitation order to the building appeal board. The owner presented evidence of intent to remedy the issues noted in the habitation order, and asked that the deadline for tenants to vacate the building be extended by 180 days while repairs were completed;

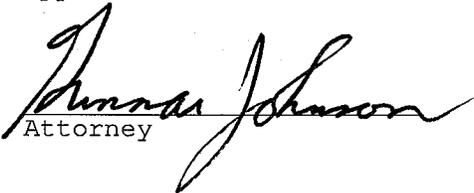
(c) A public hearing was held by the building appeal board at its August 8, 2012, meeting. At the meeting, the board voted to uphold the habitation order and deny the request for an occupancy extension'

(d) On August 22, 2012, the property owner appealed the building appeal board's decision to the city council. In the appeal, the owner presented evidence of ongoing efforts to remedy the issues noted in the habitation order, and repeated the request for a 180-day extension for tenants to remain in the building while the owner completed repairs.

RESOLVED FURTHER, that the decision of the building appeal board is reversed and the habitation order is vacated, on the following grounds:

The evidence presented by the Life Safety Division of the Fire Department is insufficient to support the July 10, 2012 Notice and Order of Condemnation for Human Habitation.

Approved as to form:


Attorney

CONST SERV & INSP DWN:ek 9/04/2012

STATEMENT OF PURPOSE: This resolution reverses the decision of the building appeal board upholding the July 10, 2012 Notice and Order of Condemnation for Human Habitation at 2001 W. Superior Street (the Seaway Hotel) and vacates the condemnation order.