

AUG 07 2020

CITY OF PROVIDENCE

BUILDING BOARD OF REVIEW

APPEAL FROM THE DECISION OF THE BUILDING OFFICIAL
DEPARTMENT OF INSPECTION AND STANDARDS

Date: 8/7/2020

To the Building Board of Review:

The undersigned hereby appeals from the decision of the Building Official of the Department of Inspection and Standards dated 7/10/2019, affecting the following described premises as are hereinafter set forth.

Owner(s): 49 Althea Street, LLC Telephone: _____

Address: 241 Gordon Avenue, Providence, RI Zip Code: 02903

Appellant(s): Endeavor Capital Finance, LLC and 49 Althea Street, LLC Telephone: 401-739-7397

Address: 858 Washington Street, Dedham, MA 02026 Zip Code: 02130

1. Location of premises: 241 Gordon Avenue, Providence, RI (the "Property")

2. Assessor's Plat(s): 53 Lot(s): 674

3. Dimensions: Lot #: 674 Frontage: 25.53 Depth: 73.02 Area: 1873 sq.ft.
Lot #: _____ Frontage: _____ Depth: _____ Area: _____ sq.ft.
Lot #: _____ Frontage: _____ Depth: _____ Area: _____ sq.ft.

4. Zoning District(s) in which premises are located: R-4

5. Are premises located within: (check one) _____ Historical District
_____ Downtown Overlay District
_____ Capital Center District

6. How long have you owned the subject premises: as of July 2010 (10) years

7. Type of Construction: Single Family

8. Size of existing building(s): 2,227

9. Size of proposed building(s): _____

10. Present use of premises: unoccupied

11. Proposed use of premises: residential

12. Give extent of proposed construction or alterations: _____

Attached hereto is a copy of the decision rendered by the Building Official of the Department of Inspection and Standards.

13. Grounds for appeal: _____

The Appellants challenge the Building Official's Demolition Order. The Order is vague and fails to provide specific grounds in support of his finding that the Property is unsafe or constitutes a dangerous and hazardous condition. Moreover, the Order fails to articulate the specific factual findings which supports his conclusion that the structure on the Property must be demolished. The Appellants are entitled to prior notice of any alleged deficiencies in the Property. Neither the Building Official (nor the City) has provided sufficient notice to the Appellants. The Demolition Order violates the Appellants' right to due process. It further constitutes an impermissible taking of "property" in violation of the state and federal constitution.

The Mortgagee, Endeavor Capital Finance, LLC (Endeavor), is in the process of obtaining title to the Property from the current title owner, 49 Althea Street, LLC (Owner). Endeavor has the financial wherewithal and resources to take the necessary and appropriate corrective measures to remediate the Property. The Owner is actively cooperating with the Mortgagee in order to allow Endeavor to take title and possession of the Property which in turn would permit the Mortgagee to address the current condition of the Property.

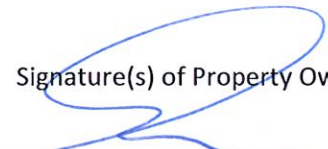
The Building Official has taken steps to board up the structure on the Property. The "Boarding-Up" of the house shows that demolition is neither required nor warranted in this instance. As a result of the "Boarding-Up", the Building on the Property does not constitute an imminent unsafe or dangerous and hazardous condition warranting an emergency Demolition Order. In addition, the cost of any corrective action which is required to be taken by the Owner is less than 50% of the physical value of the structure and the Mortgagee (who is anticipated to become the new title owner) is ready, willing and able to expend the resources to address the reason for any purported building violation. Finally, the appropriate insurance is in force which insures the Property and protects against future losses.

Wherefore, the Appellants submit to this Board that the Order is unnecessary, improper and unreasonable and requests that this Board reverse the decision of the Building Official to permit the Appellants a reasonable opportunity to remediate the Property. The Appellants demand a hearing before the Board.

14. Proof of active insurance of property is required for an appeal of demolition or unsafe order.


Respectfully submitted,

Signature(s) of Property Owner(s):


By: Scott K. DeMello - Attorney for
Endeavor Capital Finance, LLC
THE MORTGAGEE OF 49 ALTHEA STREET, LLC

Address: 241 GORDON AVE
PROVIDENCE, RI 02903

Signature(s) of Appellant(s)


By: Scott K. DeMello - Attorney for
Endeavor Capital Finance, LLC, MORTGAGEE

Address: 858 WASHINGTON STREET 3RD FL
DEOHAM, MA 02026



DOC# 2020259800
Bk# 12772 Pg# 326

Department of Inspection and Standards

Jorge O. Elorza, Mayor
Joseph M. Atchue, CBO, Director
Kevin W. Mahoney, Deputy Director
Michael Brogan, CBO, Building Official

July 10, 2019

Unsafe Condition - Demolition

VACANT BUILDING NOTICE

ORDER TO MAKE SAFE THROUGH DEMOLITION ("ORDER")

Address: 241 Gordon Avenue (the "Property") Plat: 53 Lot: 674

Owner: 49 Althea Street, LLC
241 Gordon Avenue
Providence, RI 02903

Endeavor Capital Finance, LLC
404 South Huntington Ave
Boston, MA 02130

✓ Client

Pursuant to RIGL 23-27.3-124.1 et seq., the Building Official of the Providence Department of Inspection and Standards has found the structure(s) situated on the Property to be unsafe.

The Structure has been allowed to deteriorate due to neglect, and abandonment. This is a dangerous & hazardous condition which warrants the demolition of the structure.

The entire structure and lot is dangerous, unsafe, and has become a public nuisance. In the opinion of the Building Official the structure should be demolished and the site cleared to remove a "dangerous & unsafe structure" and abate the public nuisance.

You are ordered to demolish the structure(s) on the Property, in compliance with applicable building code provisions, within thirty (30) days of this Order. Prior to the commencement of this work, you are required to obtain a demolition permit from our office. All utilities serving the Property must be disconnected; and, all debris and rubbish must be removed and properly disposed thereof.

Your failure to comply with this Order will result in the City demolishing the Property's structure(s) disconnecting the utilities and removing debris and rubbish with proper disposal thereof, or hiring a private contractor to demolish and/or remove debris and rubbish with disposal, so as to make the Property safe at your expense.

444 Westminster Street Providence, Rhode Island 02903, 401-680-5365, Fax: 401-680-5482

10

Insured: Endeavor Capital, LLC

49 Althea Street, LLC - Insured (Lender Placed)

Edit Loan Name	49 Althea Street, LLC	Loan Number	11942
Co-Borrower	Daphne Clarke	Collateral Type	Residential 1-4 Families
Mailing Address	35 Vicksburg Street Providence, RI 02907	Collateral	241 Gordon Avenue Providence, RI 02907
Collateral Status	Insured (Lender Placed)		
Loan Type	Standard	Vacant/Reo	No / No
Lienholder Pos	1st	Reference #	314-681-3690
Escrowed	No	Loan Origination Date	1/1/2000

- Hazard

Messages

Create New Subject	Latest Author	Date	Awaiting
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Activity History

Activity	Performed	User
NOI Confirmation Printed	4/1/2020	Eric Huelsman
LPMHZ Issued	4/1/2020	System
Place Policy Performed	4/1/2020	System
D - Renewal Printed	2/12/2020	Aaron Range
NOI Confirmation Printed	4/1/2019	Jenna Ferreira
LPMHZ Issued	4/1/2019	System
Place Policy Performed	4/1/2019	System
D - Renewal Printed	2/12/2019	Eric Huelsman
NOI Confirmation Printed	4/2/2018	Jocelyn Benvie

Activity	Performed	User
LPMHZ Issued	4/1/2018	System

1 - 10 of 38 Items

- 1
- 2
- 3
- 4
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Borrower Policies

Update Coverage

Effective	Expiration	Date Entered	Carrier	Policy #	Broker
4/1/2014	4/1/2014	4/4/2014	Lloyds of London	TBD	EM Freedman Insurance Agency Inc
10/31/2012	10/31/2012	12/12/2012	Lloyds of London	TBD	EM Freedman Insurance Agency Inc
8/15/2012	8/15/2013	8/31/2012	Lloyds of London	TBD	EM Freedman Insurance Agency Inc

1 - 3 of 3 items

- 1

Imaged Documents

- Imaged Letters

Document	Date Created	Certificate
NOI Confirmation	4/1/2020 2:43:21 PM	191192198P-179226
NOI Confirmation	4/1/2020 2:43:21 PM	191192198P-179226
D - Renewal	2/12/2020 2:38:24 PM	181129121P-153392
D - Renewal	2/12/2020 2:38:24 PM	181129121P-153392
NOI Confirmation	4/1/2019 2:16:30 PM	181129121P-153392
NOI Confirmation	4/1/2019 2:16:30 PM	181129121P-153392
D - Renewal	2/12/2019 3:15:40 PM	171129111P-130288
D - Renewal	2/12/2019 3:15:40 PM	171129111P-130288
NOI Confirmation	4/2/2018 2:39:13 PM	171129111P-130288

Document	Date Created	Certificate
NOI Confirmation	4/2/2018 2:39:13 PM	171129111P-130288

1 - 10 of 28 items

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- 2
- 3
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Lender Placed Coverages

Certificate	From	To	Issued	Total	Premium	Tax And Fees
191192198P-179226	4/1/2020	4/1/2021	4/1/2020	\$312.00	\$300.00	\$12.00
181129121P-153392	4/1/2019	4/1/2020	4/1/2019	\$312.00	\$300.00	\$12.00
171129111P-130288	4/1/2018	4/1/2019	4/1/2018	\$312.00	\$300.00	\$12.00
161129113P-107152	4/1/2017	4/1/2018	4/1/2017	\$312.00	\$300.00	\$12.00
151129021P-86426	4/1/2016	4/1/2017	4/1/2016	\$312.00	\$300.00	\$12.00
141129025P-65845	4/1/2015	4/1/2016	4/1/2015	\$312.00	\$300.00	\$12.00
131129013P-46951	4/1/2014	4/1/2015	4/4/2014	\$312.00	\$300.00	\$12.00
AP210102528-38925	10/31/2013	4/1/2014	10/31/2013	\$149.42	\$143.67	\$5.75
AP210102233-30779	10/31/2012	10/31/2013	1/26/2013	\$358.80	\$345.00	\$13.80

1 - 9 of 9 items

- 1

Notes

Add note
Date

User

Note

Scheduled Activity

Certificate	Activity	Activity Details	Scheduled
191192198P-179226	Print Letter	D - Renewal	2/12/2021

1 - 1 of 1 items

- 1

