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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

TO: CHAIR AND ZONING BOARD MEMBERS

FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR

SUBJECT: 12 COOLIDGE AVENUE – 347-E-18-20-21 – R-3 ZONE –
PRACTICAL DIFFICULTY APPEAL

DATE: JUNE 13, 2008

This memo is to document permit history on this appeal. The original residence was constructed in 1963. The early R-3 regulations required a 25 foot front setback to the front property line. However, it also allowed buildings to be closer to the front property line using an averaging method if the structures on either side were closer. I believe that is why the original building is closer than 25 feet to the front property line. This provision has since been removed from the R-3 Zone.

On May 9, 2000 our office issued a permit to add a 12' x16' addition to the right side of the house. The permit was issued with requirements. Attached to the permit was a "Land Use – Zoning Report" which listed the conditions of zoning approval. Number 11 states very specifically to the issue being discussed at this time: "Your required front setback is 25 feet from your front property line, not the street line. You are showing 26 feet. If your setback was measured from other than your front property line, work must cease and you must notify this office". The submitted plot plan was also written on by me to emphasis that the setback needed to be from the property line and not the street curb line. I'm not sure that Coolidge Avenue actually has curbing.

Two Code Enforcement Officers were involved with this permit after it was issued. The contractor was Leo P. Menard, Jr. of PM Construction Company. His card is still on our permit. The permit notes state that Kevin Carroll (now retired) spoke with Leo Menard on May 16, 2000 concerning conditions (of approval) and the stairs, guardrails, hand rails, etc. The notes state: "all understood". I am assuming that this conversation happened when the contractor picked up the permit. That is when the office goes over requirements and conditions with the applicant.

Subsequently, on the next day Tammy Munson went out for an framing inspection on site. Her notes indicate that there were temporary stairs, and that the guardrails did not meet code requirements. Apparently the stairs also had issues. Tammy's last note mentions that she was unable to verify the front setback and all the issues were discussed with the contractor. My reading of the notes indicate Tammy was waiting for the contractor to get back to her with the corrections and information that she needed. The contractor never got back to her. The open permit was still on file and never finalized.