

For City Clerk's use:

Case #

Date Stamp

Fee \$

**MELROSE BOARD OF APPEALS  
Application Checklist**

This application checklist must be completed, signed and submitted with all Zoning Board of Appeals Applications. All documents on the checklist and the collated sets of the required copies must be submitted to the City Clerk's Office and emailed to [appeals@cityofmelrose.org](mailto:appeals@cityofmelrose.org).

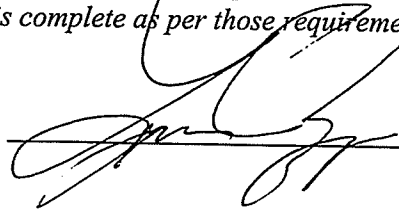
Applicant's Name: Paul R. & Mary K. Cunningham

Project Address: 83 Bellevue Avenue, Melrose, MA 02176

**Original & 1 copy collated (additional copies may be requested if needed)**

- 1. Application Checklist
- 2. Completed Application Form
- 3. Letter from the Building Commissioner
- 4. Advertising Fee Billing Authorization
- 5. Abutters List from Nearby City/Town if within 300 feet of the subject property
- 6. Application Filing Fee
- 7. Certified Plot Plan
- 8. Site Plan
- 9. Construction Plans, if applicable
- 10. Additional Information, if applicable

*By signing below, I certify that I understand and agree to comply with the requirements outlined in the "General Requirements for Application to the Melrose Zoning Board of Appeals," and that the application submitted is complete as per those requirements.*

Signature  Date 3/2/24

**MELROSE BOARD OF APPEALS**  
**Application Form**

**INSTRUCTIONS:** Please read the General Requirements for Application to the Melrose Zoning Board of Appeals (ZBA).

**PROJECT ADDRESS & SITE INFORMATION**

Address 83 Bellevue Avenue, Melrose, MA 02176  
Assessor's Map & Parcel E9 07  
Zoning District URA  
Deed recorded in Middlesex South Registry District Deeds: Book 13481 Page 247 or  
Certificate of Title: Number \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

**APPLICANT**

Name Paul R. & Mary K. Cunningham  
Address 83 Bellevue Avenue, Melrose, MA 02176  
Telephone 781.665.5369  
Email paulmarycunningham@hotmail.com  
If applicant is not owner, check his/her interest in the premises:  
Prospective Purchaser  Lessee  Other (Explain) \_\_\_\_\_

**OWNER (If joint ownership, name all parties)**

Name Paul R. & Mary K. Cunningham  
Address 83 Bellevue Avenue, Melrose, MA 02176  
Telephone 781.665.6539  
Email paulmarycunningham@hotmail.com

**REPRESENTATIVE**

Name Louis P. Izzi, Esquire, Bell & Izzi, LLC  
Address 70 West Foster Street, Melrose, MA 02176  
Telephone 781.665.3360  
Email lpi@bellandizzilaw.com

**APPLICATION IS HEREBY MADE**

- (A)  For a Variance from requirements in the following sections of the Zoning Ordinance:  
Chapter 235, Sections 235 -19
- (B)  For a Special Permit referenced in the following sections of the Zoning Ordinance:  
Chapter 235, Sections 235-15
- (C)  As a party aggrieved, for review of a decision made by the Building Commissioner or other authority. The decision, stating the grounds thereof, must be attached.

**PROPOSAL INFORMATION**

Were the premises the subject of a previous application to the Board? Yes

If yes, give date of application and case number if available Prior owner circa 1973/1974

Approximate date of construction of existing building Circa 1883

Zoning Data	Existing	Proposed
Use(s) of Property	Single Family	Single Family or alternatively two family
Lot Area	22,415 sf	22,415 sf
Frontage/Lot Width	85.31 ft	85.31 ft
Building Height - ft/#stories	35 ft / 3 +/- stories	35 ft / 3 +/- stories
Square Feet of Building	2959 sf	2959 sf
Dimensions of Addition or New Building	—	

Describe the proposed work and/or use including the reasons for the requested relief. Address the requirements for obtaining a Special Permit or a Variance as set forth in the General Requirements for Application to the ZBA. Attach additional sheets if necessary.

See attached Summary

Paul R. Cunningham & Mary K. Cunningham

SIGNATURE

*[Signature]*  
By their Attorney: Louis P. Izzi

DATE 3/2/14

APPLICATION FEE:  
 \$350.00 1-3 Family Residence  
 \$500.00 All Others  
**Non-Refundable FEE**  
**MUST ACCOMPANY THIS APPLICATION**

**MELROSE BOARD OF APPEALS**  
**Advertising Fee Billing Authorization**

To: Melrose Free Press Observer  
48 Dunham Road  
Suite 3100  
Beverly, MA 01915  
Attn: Legal Advertising Department

I hereby authorize GateHouse New England to bill me directly for the legal notice to be published two times in the Melrose Free Press newspaper for a notice of Public Hearing with the Melrose ZBA. I understand the ZBA Staff will write and submit the advertisement, using the information contained on the application, and that the Melrose Free Press will bill me directly for the cost of the ad. I understand that it is my responsibility to contact the Melrose Free Press at (781) 433-7902 and pay for the notice no later than Friday at 5 PM the week before the advertisement is scheduled to be published.

Errors and omissions in the application material are the responsibility of the applicant and could result in additional advertisement costs to the applicant.

Please note: An application cannot be scheduled for public hearing without advertisement. If the Melrose Free Press is unable to publish the advertisement due to non-payment by the applicant or other reasons related to actions or inactions by the applicant, the hearing date may be revoked and the City of Melrose may no longer be able to accommodate a hearing within 65 days of the filing date.

Paul R. Cunningham

Signed: \_\_\_\_\_

By his Attorney: Louis P. Izzi

Print Name: Paul R. Cunningham.

Address: 83 Bellevue Avenue

Melrose, MA 02176

Home Phone: 781.665.5369

Work Phone: \_\_\_\_\_

**Notice to Applicant:**

The cost of the advertisement is based on the length of the ad and varies with each application. If you have concerns about this cost, please call the Melrose Free Press and inquire about their rates prior to submitting your application to the ZBA.

SUMMARY OF REQUESTED RELIEF  
83 Bellevue Avenue  
Melrose, MA 02176

The Petitioners, Paul and Mary Cunningham respectfully seek the modification of (or seek to overturn) the determination of the Building Commissioner dated April 17, 2024 (pursuant to §235-60 of the Ordinance) so as to permit their continuation of the use of the subject premises as a single-family dwelling with a second kitchen. In the alternative, if this Honorable Board is not inclined to modify the aforementioned decision of the Building Commissioner, the Petitioners reluctantly, but respectfully, seek the issuance of a Special Permit for occupancy of the subject premises as a two-family dwelling and issuance of Variances from §235-19 for Frontage and Side Yard setback.

By way of background, Paul and Mary Cunningham purchased their first home in Melrose on Berkeley Street in 1972. By 1978, with two young boys, they had outgrown their very small home and were searching for something larger to not only accommodate their growing family but also to permit Paul's elderly mother to reside with them rather than continue to live alone in her Medford home. Through the assistance of their realtor and friend, Richard Lyons, they were introduced to 83 Bellevue Avenue.

This property was previously owned for many years by the Killilea family however a fire in 1973 forced them to vacate. Thereafter the property was purchased by Charles and Doris Dango who apparently repaired the fire damage and also attempted to secure approval for a two-family dwelling, which was denied. Shortly thereafter Charles Dango passed away and his widow, Doris, sold the home to Paul and Mary Cunningham.

The Cunninghams found the home to be a "perfect fit" for their growing family especially because the existence of a second kitchen (as noted on the property record card) facilitated the generational living that permitted Paul's mother to safely and comfortably reside with them while simultaneously allowing her to maintain some independence in her later years. This living arrangement existed and worked well for the entire, extended Cunningham family for sixteen years, until the need for nursing home care in 1995.

For the next twelve years, Paul and Mary lived together in their home while their two sons pursued their respective careers. In or about 2012, their son Paul returned home with his wife and two young daughters, and has lived with his parents since that time. The Cunninghams have always used their large home in the manner in which they intended at the time of their purchase in 1978 and which was and remains fairly common, certainly within Melrose: as a single-family dwelling with a second kitchen (as noted on the property record card) for the use of immediate family. In the 45+ years that Paul and Mary have owned their home, they have never used the premises as a two-family dwelling. They have never rented any portion of the premises and they do not ever intend to do. The primary and preferred goal and remedy that Paul and Mary seek is to continue to use their home for their family, in the same manner that they have done for the past four and a half decades. They are willing to make any and all interior and/or exterior modification (including, but not limited to, the removal of the exterior stairs and second means of egress and/or the elimination of the separate entry door) as this Board and/or the

Building Commissioner deem appropriate and necessary. It is their express wish to eliminate any doubt, now or in the future, that the existence of the second kitchen does not constitute a separate dwelling unit. This is not only in keeping with other currently existing homes in and throughout Melrose but also something that arguably should be looked upon favorably as a way to encourage and enable responsible generational living arrangements in the future.

In the event that this Honorable Board is not willing to grant the aforementioned requested relief, the Petitioners reluctantly, but respectfully, request that their Application for issuance of a Special Permit and granting of Variances, as referenced above, be allowed. As this Board is aware, two-family dwelling are permitted in the district by way of a Special Permit. Under these existing circumstances, Mr. & Mrs. Cunningham respectfully submit that it seems apparently clear that the requested use is desirable; that it will not create additional traffic; that it will not unduly burden municipal services; nor will it impair the character or integrity of the zoning district, in any way. Additionally, to deny the requested Special Permit and Variances would create a substantial hardship for them given that their intention is to simply continue their familial generational living arrangement. Furthermore, the unique circumstances that give rise to their need for the relief being requested was not of their creation and if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance.