

TO: Elinor Carbone, Mayor
City Council
FROM: Victor M. Muschell, Corp. Counsel
DATE: November 14, 2022
RE: Building Permit Refunds

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MEMO

1. Building Permit #: PMT-B22-000362
Property Owner – Philip A. Marasco
Property address – 45 Colorado Ave N

On July 19, 2022 a Building Permit was issued to Kevin's Building & Remodeling LLC to remove plaster on walls that were damaged from water leak on first and second floor. The permit fee was \$170.12 (See attached)

Thereafter the Owner asked the Building Department to cancel the permit and to refund the permit fee because insurance wouldn't cover removal of the walls so the project was cancelled. Because the state fees are not refundable the total allowed to be refunded is \$167.00. The Charter/Ordinances provide a mechanism for this in Sec. 84-4 C:

*C. Any refund of building permit fees of \$100.00 or less shall be at the discretion of the Building Official. Any refund greater than \$100.00 shall be at the discretion of the City Council. Any and all refunds shall be paid to the **owner of record** of the property.*

Note that the refund, if any, must go to the "owner of record" not the permittee who in most cases has paid the fee. In this case should the Council authorize the refund it must be paid to the owner of record, Philip A. Marasco, not the permittee, Kevin's Building & Remodeling LLC.

I recommend that the Building Department be authorized to refund the permit fee of \$167.00 to Philip A. Marasco, owner of record of 45 Colorado Ave N.

2. Building Permit Tracking #B21-2075
Property Owner - Walter Dickinson
Property Address – 118 Silver Brook Lane

A Building Permit was issued to Walter Dickinson to construct a foundation for a new house, 2 – story, 3 bedroom, 2.5 bathrooms, attached 2 car garage, unfinished basement, and deck 8' X 17' at 118 Silver Brook Lane. The permit fee was \$1,812.14. (See attached)

Thereafter the Permittee asked the Building Department to cancel the permit and to refund the permit fees because the property was sold and the permit was never used. Because the state fees are not refundable the total allowed to be refunded is \$1,776.00. The Charter/Ordinances provide a mechanism for this in Sec. 84-4 C:

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*C. Any refund of building permit fees of \$100.00 or less shall be at the discretion of the Building Official. Any refund greater than \$100.00 shall be at the discretion of the City Council. Any and all refunds shall be paid to the **owner of record** of the property.*

I recommend that the Building Department be authorized to refund the permit fee of \$1,776.00 to Walter Dickinson, owner of record of 118 Silver Brook Lane.