



OFFICE OF THE BOARD OF APPEALS
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Meeting Minutes for April 15, 2021

Initials

ID- Irene Dwyer
TC-Tom Chiudina
JW-Jason Wright
Attorney JC- Jim Cipoletta

It is 7:10pm on April 15 2021. This is a special meeting of the Winthrop Board of Appeals. The board members present are Irene Dwyer, associate member Jason Wright, and member Tom Chiudina.

Up first Case 009-2021 68 Locust Ave- Attorney James Cipoletta representing the applicant, Safet Peti, he owns the home. And they have been there for a little bit having moved in into Winthrop with Mrs. Petty's parents. So, the in laws are residing on the top floor, Mr. And Mrs. Peti are residing in the main house. But they have fortunately for them, they have four children who were very close in age 15 1619 and 23. They get along fine. But at this point, they have three people, three of those children sleeping in one of the rooms and as they're getting older, and ready to move out and finishing school and so forth and embark on their own lives and their own careers. Or the Peti's don't want them to be leaving Winthrop. So, what Safford has designed as a small apartment, on the ground floor, which is set out in the in the plans that are accompany the applicant, the application it is to accommodate whichever of those children needs to be. And I hate to use this word, but I guess convinced to stay in Winthrop and stay home, I guess they're wanting the family to stay. And it would be actually three generations of a family and in the home. That would not add any number of right now at least any additional cars, it

wouldn't add any additional people because we would just be moving people around inside the home. The father-in-law who lives on the upper level does not have a car and will not be having a car. So, I understand that parking is always an issue. There are three parking spaces that are available. And we can realistically I would admit, anticipate that one of these children when they get a little bit older, or they've saved some money might be obtaining a vehicle. But as of right now, things would essentially stay status quo with the same number of feet. the parking that has been designed for, for the use of, of this property would be in the rear go up the driveway and get to the rear of the wherever the property, they can get three spaces in their insensitive family, they can probably force another car in there. But of course, that would require people getting out and moving the cars and that would certainly as we know it works well on paper but sometimes doesn't work in real life. So, what he is requesting is a variance for parking to the tune of three parking spaces, and also a use variance pursuant to 17. 5012 for you to use the to establish that small apartment at the ground level. I would be pleased to answer any questions that the board may have. Thank you, Madam Chair.

ID- Anyone from the public wish to speak? Is there anybody here from the board from the public that wishes to speak for or against this application? We have received several letters. One is from 69 local street, and one is a group thing from several members on local street and we have received a phone call from another neighbor on local street who has no objections. Shall I read the letters and out now, so if anybody is on, any of the neighbors want to comment in further? The first one as I said there was a phone call from a Mr. Gerald Garber, who resides at 81 locust street, and he has no objections. Then we have a letter from Mr. David Rybicki at 69 locust Street, in response to the letter the Board of Appeals on March 9. I'm requesting the appeal by property owner Safet Peti for a variance from provisions of Section 17.5 2.030 and section 17.20.060 be denied. My main request. Reason for this request is that there is very limited street parking in front of my home at 69 Locust, which is directly across the street from 68 locust, there are many properties in the immediate vicinity without private parking, and most residents need to share street parking. I plan to be renting my first-floor apartment soon at 69 locust Street and I do not want my tenants to be competing for parking spaces in front of my house with the new tenants from 68 Locust Street, if possible, I do not believe there will be enough parking spots for everyone with the addition of more vehicles. Thank you for your consideration. And a second letter and objection is a group letter forwarded 68 locust street should be denied tonight at the meeting, they do not have enough parking for their own family, which is for boys on the two parents at six cars on the first floor apartment.

They have people living upstairs already as well. And they're planning on moving a family downstairs in the basement. Locust street does not have enough parking as it is, and they're already monopolizing in front of their house in their neighbor's houses for their cars. It's too many people in one house. Alright, those are the two letters that we have received so far. Alright, so we have questions or comments from the public? Any questions from the board? I just want to start by saying as far as I can tell, the property will leave the parking out of this for the moment. Although it's come up repeatedly, we cannot deny the use of a street to a homeowner, and parking's a problem all the time. My first question, I don't see how that basement can be made a separate unit, because although there is some, in some areas, the windows are above grade and not above.

JW- the first question is, is it the basement I want to make sure it means of egress or access are sufficient. How tall are the actual ceilings in the basement?

Attorney JC=so it's eight feet tall now, and the door that we're speaking of, it's going to be like a back door, and the front door is still going to be from our back door. So it's going to have two doors, it's not going to be the primary door to go in, where the driveway is. What's down there, now? It's empty. It's just the oiler burners and like the heating and the cooling system I don't disagree that a site visit would probably bring things into better focus. It's a mostly unfinished area, it does have the heating and plumbing elements there. But separate is actually he's contractor. He's, he knows how to, to build this out. And I would suspect that before receiving a building permit, or at least a certificate of occupancy, all of those safety issues that the chairwoman had raised, as well as Mr. Wright with respect to the height of the windows and whether or not they complied. They would have to be changed. I'm not I don't have the dimensions of those. But I take it that they probably wouldn't pass current code. So the two things that were suggested the alterations to make them code compliant, but probably more importantly, a site visit.

ID-Yeah, my feeling is that I don't even think we should get to the parking till we see whether you could properly do this. But it is a stiff step here because you it's not a three family. I don't think any site visits going to intimate that the basement was a living space. And now you're adding you know another unit. Possibly, since we're going to put this off and wait for a site visit, possibly, you might consult with your architect or engineer,

whoever's doing the plan for you. And you might be able to build down into the basement, a few rooms for your family without actually going to adding a third unit.

TC-Oh, Irene. Now for me, you just hit the nail on the head. And that's why I'm really got a hard time with this. And frankly, I don't need a site visit. To see any of this I can tell exactly what's going on from the plans they submitted and the photographs that I can see. this is this is basically one family with in laws on the second apartment. If they want to finish the basement and make it habitable, they can do that. They don't need a third unit to do that. So I don't think I think we're wasting time to do a to do a visit. There's no reason for this. This is you hit the nail right on the head iron. This is why in their application and the presentation that attorney Cipoletta gave, they have four grown children they'd like to see stay in the house. They can stay in the house. They can do the finish this space like this. They just can't convert it to A separate apartment. And I don't see where a hardship is, is a need here or, applies.

ID- this is kind of hard that your attorney Cipoletta will explain this to you in more detail. But we can't just give you a building permit, we have to look at what we can fit around having to what a third unit in is going to be a goal with the board if you want to try to take a vote right now. And if you want to simply build down in duplex then use a different set of plans. But right now though, what we really need to do tonight is continue or withdraw without prejudice and come back with a different set of plans that do not make the basement a separate apartment. Okay. What do we need to do down there? We need to do by code, by law. by statute? Well, I think you should confer with your attorney. And your you know, your own knowledge of codes or you are going to need get stamped plans at some point.

JC- I would then request leave to withdraw without prejudice and revisit this with the building department. maybe we can come back to the Board of Appeals and have another discussion with another set of plans. there's a workaround to this.

JW-So the applicant wishes to withdraw or continue, I guess I just want to know how to make the motion sounds like we want to withdraw without prejudice?

JW-Case 9-2021, 68 Locust St, I would like to make a motion to withdraw by without prejudice.

TC- Second

ID- roll call called by Irene. Yes by Jason, yes by Mr. Chiudina. Motion passed

ID- The next case is 005-2021 55 Banks Street P Butler. What's now a single family house into a two family?

Attorney JC- There is actually one amendment. And I would ask that you allow the modification when the building inspector wrote the his decision. He has the correct reference to the code section. However, it is not a side yard setback, it is a rear yard setback. And when we wrote our application, we took his denial letter and mirrored it. So to the extent that in paragraph number 11. We are requesting a variance from 17 .603. However, it is not for a side yard setback. It's for a rear yard setback. And that's because it's a corner lot. So this lot is comprised of 11,525 square feet, and it's on the corner, which makes for a very large lot. What Mr. Butler plans to do is to just is to extend the current building, adding a second level and would have to two units, which is allowed as a matter of right in in the RA zone. And the building as it is now, as it is now situated on the lot actually extends into the rear yard setback. We're not changing any of the setbacks were but Mr. Butler is planning to do is to build on that rear yard footprint. So to the extent that the code requires 20%, I guess 25% was 20 feet. For a rear yard. It's 116 feet deep. And he would require more than a 10 foot setback in the rear. But he does require a setback in the rear. The second variance, which actually encompasses that is that because it is now non conforming, the vertical extension of that, according to the building department would be an extension or modification of a preexisting non conforming structure. And we would need relief to do that. The parking I don't think is going to be an issue, there's plenty of parking on that slide. It's shown with four spaces, but in reality, the plan indicates only the minimum number to meet the to meet the requirement. But simply put, we could put many more parking spaces in there that is shown on the plan, but they

are there to exhibit compliance with the with the parking requirements section of the code. The board will notice that, although it's a large lot, and it's on the corner, it does have an impediment to the extent that there is an MWRA, sewer easement that you cannot build upon. that runs across the front of that. So if we wanted to move that building forward and build it out forward to get where he wants to be, he would not be able to do that. So that that's an impediment on the lot. And I would ask that the board grant the relief that is requested

Do we have members of the public with questions or comments here? I received one letter. The letter is from Robert Indresano Attorney at Law it reads: Dear Board members this office represents the owners of the property at 50-52. Wilshire St. James and Claire Indresano on the property 55 Bank Street abuts their property and they object to petitions petitioners special permit request to break existing single family home to a two family dwelling with four off street parking spaces for an extension of a non conforming structure and side yard setback. My clients object to the granting of variances for an extension of a non conforming structure inside yard setback Yours truly, Robert Indresano.

ID-Do we have any members of the public on the zoom meeting soon to the wish to speak?

ID- With hearing no comments from the public. Does the intention of the board to and public input and close the discussion of any objections to that? any further objections or other than the letter we've received? Two are approvals or questions about this application from the public who are present at the meeting? That's the second call. Third and final call. Are there any more comments questions? We have one hand up from Claire Indresano Okay.

This is Claire Indresano. I am one of the owners of the property at 50-52 Wilshire and represented by counsel attorney Robert Indresano, who sent a letter objecting our property, but 55 Bank Street and we do object to the existence of a non conforming structure and now have a backyard setback.

This is attorney Robin Indresano. My sister lives at that property. She's the owner of that property at 50-52 Wilshire street that also abuts the rear yard, okay, of this structure that he has a bunch of that property and I even believe there may be an encroachment on so we do object to this. Okay. My wife also owns part of that property. Okay. It is part of it is rented, and my sister lives in the other part. So we are opposed to it. .

JW- I believe you need to make roll call to close public comment. I

ID-So I'm just asking one more time for a third or 33.2 3.1. We are closing the public comment on this application. Unless there's an additional question, comment or correspondence on this. Okay, we'll take a roll call vote of the board regarding the matter of closing public comment.

TC-I'll make a motion that we close public comment in Second. Second.

ID-All in favor chairperson Yes. Tom-Yes. Jason yes. All right. That's part is that a public comment is closed. The board have questions. Other than that, does the board have questions or comments.

JW-Is this the house that had the fire?

JC-Yes, I'm sorry, I neglected to mention that it is the burnout house that is on the corner and suffered a fire and Mr. Butler bought it after the fire.

JW-So essentially, Mr. Butler, you're tearing this thing down and rebuilding?

Patrick Butler- Yes, .

ID-Is it necessary to build the new structure on the exact footprint? If you do, in fact, have any encroachment? Or as soon as you're doing that much work, it might be possible to tweak the footprint? So you don't have any money issues? I don't know.

TC-Irene, you're again, hitting the nail on the head for from my sort of perspective on this. Yeah. Although I certainly admire the work that pat and his brother have done in the past. And I'm sure they can do a nice job on this property as well. They're making an investment to turn this into a two family to make money, obviously. And, and although there is clearly a hardship on this property, what you're asking for, is, to me a big ask where you're proposing a two story, two family structure that is only 18 inches from the property line. And looking at the plan, the park plan, which is again, not really a developed site plan for what type of development you're doing, it's really an existing plot plan, couple parking spaces scribbled on it. But clearly, this could be reworked. And you could improve that back that that rear yard setback, will you be able to get it to the to the limits, the zoning requires no? I'm sure you wouldn't. But I think in lieu that this is a an investment property that you're looking to expand and non conforming. I think that effort should be made to make an improvement on it.

ID-Yeah, I agree. It's a big lot. him I know, you've got that easement towards the back of 11,000 square feet is huge lot. The only question is, you know, our setbacks and there ought to be some way to tweak this to minimize them, because you are very, very close to that.

TC-you're actually already over that easement. And I'm just curious as to why they wouldn't allow you to continue to go further onto that easement, or I should say, encroach on the easement, at least as much as you already are. But further along that line to give you more buffer along the rear of the property line, I mean, looking at looking at this, this location, I don't understand how this easement kind of continues without significant encroachment in some of these other properties.

Patrick Butler-So the rear yard setback from the from the host to the to the property line is around 10 feet.

TC--That's not what your plan says.

Patrick Butler- there was an updated plan.

JC-The board should have the latest plan. Yeah, that's 10 feet. It is tough. Yeah, it's, it shows 10 feet. I think the first one showed like 1.5 feet or something. But that's It's not one that's submitted. I think the board has in front of it. The one that says 10 feet.

JW-, no, I have the plan that I have is I chose the 1.5. So I don't have that other. I can share my screen.

JC-, it's 10. that's the correct one.

TC-Yeah, I'm just confused how that how we could have one plot plan that has a stamp and a signature on it that dated February 10th. of 2021.

Patrick Butler-Um, what happened was, the architect came out and they did the plan with the house in the wrong location. So he made an error. So and then they came back out. So a second time in the 10 foot is a correct, One. I had, um, I explained that to attorneys Cipoletta.

JC-I think that that when we sent that follow up plan, it may not have caught up with the application.

TC-It's a Well, unfortunately, I think the only thing we can do here because I'd like to see the plans. So I think we need to get the plan. And I no one's living there. Right. So going by you don't have any objection. If we go by? I don't even think we need to schedule it. Because we can go by at our own leisure, I guess. But do you agree Irene and Jason that we need to get this plan to better understand this. I'm assuming this new plan is going to match the deed that's submitted with this application?

ID-Yes. Yeah. Okay. Should we like continue this for? This not much to come up with? We continue to the next meeting, which is the 29th. It's only two weeks.

JC-Yeah, I can, I can send that by email tonight. I can scan it and send it over. So you'll have it in the morning. And then we can view it again, on a week from Thursday, if that's convenient

JW-I've walked by it a million times. But you know, to Tom's point, I'm going to I want to walk around the back of it just to get an idea of how much space is behind there. And obviously want to review the plan. So if Tom's okay with us continuing. It's okay with us continuing to the next to our 23rd meeting on the 29th I can make a motion to that effect.

JW-case number 005-2021 55 Bank Street. I'd like to make a motion to continue to our next scheduled meeting on April 29.

TC- Second

ID-all in favor by roll call vote to continue this to the next meet regular meeting, which is August April 29 2001. The chairperson Irene Dwyer votes yes. Mr. Chiudina? Yes. Jason . Yes. All right,

JC-yes. And that will also give me the app the opportunity to file an amendment to the application for which we were requesting really I'd rather than side you're out of I suppose if you just move the front door to the another to another location now it becomes a side job, but I I will I will file a formal amendment.

ID-. Tessa Jean Realty.

JC- Yes I'm representing them.

JC- Thank you Madam Chair. So this is this is a request for relief from the provisions of Section 1752030 to validate the uses of three family residential dwelling in the two families zone and also from 17.22.0 table of off street parking regulations to vary the requirement of six spaces to allow us have four spaces as shown on the plan submitted with the application this property was it was acquired by Mr. Pass a few years ago and the previous owner had installed the third unit. So he bought it has a third unit. It according to the building department jacket has not been validated and is carried as a two family home. I'm looking at the lot size 6300 square feet. I don't think that the building inspector pointed out any dimensional control violations that would require side yard or rear yard setbacks. But he certainly did pull out the table of parking requirements and put that up as a variance that that is required. We know that the town of Winthrop parking code is a little bit onerous, maybe it's sometimes unreasonable but the four spaces to accommodate the use of a three family home on that size lot. And in that area, we suggest is perfectly doable and reasonable. The fact that it has already or had already been built out as a third unit, we are asking for it to be validated not to be added. So we would not be creating new space we would be seeking to have it recognized.

ID-Alright, so basically you want the t third unit validated and you want a relief of two parking spaces. And that's your primary application here.

JC-That is yet Madam Chair.

ID-, does the applicant himself wish to add anything to what is currently supported?

The applicant (Tessa Jean LLC)- Can you hear me okay? I bought the property, it has two garage spaces on the right side of the property that we'd never use. And I've never used the apartment because and when I bought it, I looked at the building jacket, and it was a two family. So even though it had the third unit, we didn't, we've never rented it. We've always complied with the building code. But now with, you know, the way the economics are, the third unit would come in very handy for us. So you know, it has the, we showing four parking spaces and the current configuration is right now there's two elders, three elderly people in the building to on the first floor, they have one smart car, little tiny car, they don't drive very often in the person on the top floor, he just came back from the hospital, he has one car that he doesn't move, and so basically the driveways barely being used. So we think that the four spaces is more than sufficient. And we can move it around. So there's never a problem with a neighbor. So we don't have a common driveway, it's a, it's a driveway, this double wide neighbor on the left has their own parking, we have our own driveway as well. And there's plenty of room to get down to the garage spaces. So I think we you know, we have sufficient parking for that unit. And the unit itself does have two means of egress already. Even the bedroom has an egress window that's up to code as smoke detectors. It just we're not using it, and we'd love to get it validated. S

ID- Are there any members of the public who are here to speak for or against or to ask questions about this project?

Judy knee-. And I'm speaking from my mother, Isabelle O'Hara, who resides at 219. Court Road directly across from the property in question next to and yes, we do wish to object to the proposals regarding respect. In one clarification I'd like to make that attorney Cipoletta has mentioned in that is that Mr. Pass did construct the unit in the basement. Because in fact, the contract that he used, did some work for us immediately afterwards. So the property was not purchased with a complete unit down there. So that's just a clarification I'd like to make. The other piece is that the driveway is 10 feet wide. Mr. Passes driveway is 10 feet wide. And for two cars to park side by side, one of the cars ends up on his front lawn. And it's makes it very difficult for any cars, if he's proposing six parking spots or four parking spots, they would all be in tandem. And very, very tight squeeze with 10 feet. Yes, the elderly residents who we have very nice relationships with

one of them. they are elderly and that is a concern because you know that there could be all kinds of turnover at some point and vehicles are larger than that. And as you know, it is a very much a residential neighborhood single-family two-family home. my mother to get out of the driveway because of the proximity is a telephone pole at the end of my mother's driveway on the other side, which causes some restriction and movement to begin with. So we have a picture here. And if you notice, the line is the property line there

Isabel Silva- I have my sister sitting here next to me as well. So this is a picture of the property. And you'll see the line down the that's the line between the properties, the driveway, this is Mr. Passes driveway, and this is ours. So it really isn't quite as clean. A drive thru for two vehicles side by side. And, you know, with the home is clearly a two family home. That unit that's down there. Very small, tucked in way below, it really doesn't fit in with the composition of the neighborhood. And that's our statement. We just want to be heard on that front.

. ID-Is there anyone else who was here from the public with questions, comments, or other points that we've missed? I make a motion to close public comment. All in favor

Applicant Mr. Pass So first, the entry to the apartment is on the back of the unit, it will not be blocking the cars at all. The second means of egress comes off the right side of the house, which is just a walkway. So there'll be no blocking of any of the entrances. Secondly, the if you look at the parking plan, we are not going to be going side by side there. It's basically tandem but we're going to be using the garage spaces that we've never used before. So, we're showing four parking spots now. And I think the parking is better now than it is because we're adding the garage spaces. The, the parking is not going to be side by side. What else we will not be blocking her parking at all. I know that's, that's always been an issue that we you know, she's afraid to block her parking and knowing that plan shows no interference with her parking space whatsoever, but not changed from what, from what it is today. So she'll have her parking on the left side of that driveway, and we have our parking on the right, we'll be pulling the cars down all the way towards the back of the property. So it will not interfere with her. And it might get make it better. So I just want to clarify the parking situation and the egress. So it wouldn't be blocking in the driveway.

JC-The only thing I would add is that Mr. Pass stands by his statement that this build out for the third apartment existed when he purchased this property in 2020.

ID- First, I think the garage is probably nonconforming, I don't think you'd get a modern car in that garage, and the back entrance does enter the rear of the house. I don't think you are in the same area very closely with cars, parking lot going in and out, especially in you know, garage, parking space doesn't matter. I also have a legal issue that we I think I would need to have to clarify before I could vote on this in any way, shape, or form. And that's how long was the so called third unit there. I think we need to look at this parking thing. By the inch practically. If you were going to if right now you're okay, you can manage for if you're going to add the unit, you've got to have the six. And it's going to be tighter than ever. It's already tight. I mean, not sure how to address the issue of the fact that the layout of that Yeah, and I have to tell you, And that the layout of that space, you know, the almost like you've got the living space in the boiler room, and it's just it's a weird layout. It doesn't flow very well for actual living. So I think we'd need to look at that, but I'm not sure at what stage in the process that would come in. Um, there's a whole bunch of questions I'd have to have answered before I could think about voting on the side. Just my position. Mr. Wright, Mr. Chiudina?

JC-that was my reading. I'm sorry, Mr. Right. It was put into the, into the entity in 2020. That was the last deed. But I apologize for that. I read it I read it off the de novo list for a lot longer than that. No, it helps. But no, you can't say oh, this is what I would have to say.

TC-When we look to the least in my opinion, when we consider legitimizing as Attorney Cipoletta refers to it a preexisting non-conforming unit like this third unit, we try to find evidence that it existed. I don't see any evidence that it existed. Past cases, you look on the assessors, and it's shown as a three family or three unit structure, even though the building jacket may have it as a two family. This is not that this assessors, it's assessed as a tourist to family, it's always been taxed as a two family building, Jackie chose it as a two family. I looked at the voting records and don't see any strong evidence that that there was a long term, third unit there from that. All that aside, this, we just went through this on a neighbor neighboring property, and we made them jump through hoops to not only

prove that it existed the previous unit, but we also in a sense, denied their parking variance and required they provide the required parking. I just don't feel good about now, you know, considering a variance on parking when the four spaces you're showing don't work. I mean, that's as Irene says, this is I don't need anything further to convince me that you're showing parking that doesn't work and you still need a variance. So I don't need anything further from after tonight. I can I'm ready to vote.

ID- Oh, I have one other question. And that is where are you with the cons? Why do you feel you don't? You don't need to go to them.

TC- They're not doing any exterior construction. They're not proposing they're not proposing any change to the driveway or the garage or anything. They're not proposing.

TC- Yeah, they would need the buffer all along the side. I think they would have it at the rear because the property extends down beyond where the pavement is, but they have no buffer. Currently, it's all existing. It's all paved from one lot to the other. But there's no there's no way you're getting into that inside garage space without no cars in that driveway. I mean, that's clear as day. So it like I said you might as well have one driveway with five tandem cars parked in it. And I just don't think that this neighborhood is we want to we want to endorse that in this neighborhood.

JW-what's what's the grade on the driveway? If I recall, and again, it's not related. But there was another petition on the street. And I recall the grade was such that it came down at such an angle.

Tc-they definitely can pull down all the way down to the back, they currently do. I mean, the garage is the first garage. I mean, I don't know how big the garages are, but the one that's tucked in tight, you know, there's a bay on the corner of that house, I mean, you're going to work real hard to get into that garage. And like I said, You're not going to do it with cars parked in that driveway. But all that aside, they're still looking for a variance. And

I think that's the biggest issue, I have that and the fact that there was no evidence that this apartment existed.

The applicant. The condensing deck on the back of the property. And, Tom, I understand your concern about, you know, being able to get in and out of those garage spaces. And I agree with you, it's tight. One thing we looked at, but we did not submit a plan to that, but it's a possibility is reworking that deck, shrinking it to be able to pull cars, where the deck is now, does that show on the plan? I'm sorry, I don't have the plan in front of me. But on the plot plan, I think it shows a back deck.

TC-Yes, the deck it does show on the back.

Applicant-So one thing when I had the surveyor to the property, that's one thing he mentioned to me. And you know, it was costly. But maybe that could be something that we could resubmit a different parking plan showing, pulling this pulling those cars out of the way of the garage, by the side of where the deck is now in the back. And it would mean that, you know, reworking the deck and moving the deck much smaller. But I think there's room there and it could alleviate the problem with getting into the two garage bays. I don't think it gets us to six parking spots. But you know, we're asking for parking. But I think people might get it. Right now the current configuration is you know, each tenant has one pocket spot. So, realistically, I don't see three cars ever using that.

Atty JC- The one thing that I I would say and I agree with Harry that even though it was not occupied from the time that or over the period of time or whatever number of years that he owned, it does not mean that it didn't exist. And I know that going back to 1990 1991, and that that ordinance is more hanging out there. With regard to the existence of units that are not carried on the books of the building department, we don't know how long it's been there. But the fact that it hasn't been occupied doesn't necessarily establish that it that it didn't exist, I would suggest, and I would ask that the matter be continued not until the next meeting in two weeks, but to the May meeting for two things. One, is to dig into some of the older if we can get into the building, as the building department to get into some of the older permits. And I and maybe the assessor's records that reflect excise tax payments on motor vehicles. That would be one way. And I know I think I think Tama Mr.

Medina, indicated that he had looked at the voting record. And if that would be a fool's errand that I would, I would then look at the excise tax bills, and see what names they were in over the number of years. And that would be secondary to creating a establishing a search of the permits the priority history in the building department. And, and see when that was actually created. And maybe in the in the meantime, Mr. Pass can get with the surveyor and see if they can rework a parking plan.

TC-I do want to warn you, though, you've already said that the unit, if we were to play devil's advocate and say that it did exist, it hasn't been occupied. And now you want to occupy it. So in those 20 years, it wasn't occupied, you now want to occupy it, and that is going to have an effect on the neighborhood. And that's what we're looking at. That's what we're talking about when we're talking about granting a variance and the impact it has on that neighborhood. It's not like this has been a non conforming, pre existing unit that has been occupied and has been taxed, and there's evidence that it is existed, and you're just want to legitimize it, because there's no impact of neighborhood bed. But what we're talking about is now occupying something that hasn't been for at least 20 years, that's going to have an impact, not to mention, you're requiring variances for it to exist. So it's your prerogative to continue it. I'm certainly willing to, to, you know, respect your thoughts, that you might be able to provide more evidence, but I just, I don't see what it's going to do.

ID-So, yes, it's your prerogative to Withdraw and come back, with an amended plan. But no, I don't think that's a real unit, myself, I'd have to be condensed, I only met with the not being occupied that we don't have evidence that it was. It doesn't solve the whole problem. But as soon as Mr Chiudina has pointed out repeatedly, we don't have any actual evidence that this was a used, this really is grandfathering anything.

Atty JC-So we would appreciate the courtesy of one continuance to the May meeting to give us the opportunity to dig into when the actually the building was built, what the building permit said, what the permits over the years, reflect the use the uses, if there's no evidence that we're not going to come back here and waste your time, we'll just let you know. I mean, we're not going to try to write a fly this, if we don't have evidence, and the parking can't be worked out or something reasonable, can't be maintained. I mean, if it's there, it's there. If it's not, it's not when we're not going to waste your time with it. But I

think we can find that out. If I can get into the building department. I think now they have provisions to make an appointment or something I can see your clerical way just popped into the Hollywood Squares, and see if maybe we can take a view of the building jacket.

TC- I will make a motion that we grant the request from the applicant to continue. I guess we'll do it to our next meeting, which is the end of this month and two weeks. Yes, to continue it to May 27.

ID- roll call and passed. Thank you. All right, after this case has been continued to the regular meeting of the Board, which is scheduled for May 27 2021.

Motion to adjourn at 8:43pm.