NYC
Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6271 - Fax
www.nyc.gov/bsa

ZONING (BZ) CALENDAR
Application Form

BSA APPLICATION NO. _____

CEQR NO. _____

Section A — **Applicant/ Owner**

Applicant	Owner of Record
Gregory J. Tarone, Esq.	Laura Ziba Bauta & Marteza Bauta
NAME OF APPLICANT	OWNER OF RECORD
5020 Route 9W, Suite 104	2153 East 13th Street
ADDRESS	ADDRESS
Newburgh, NY 12550	Brooklyn NY 11229
CITY STATE ZIP	CITY STATE ZIP
(845) 527-5424	N/A
AREA CODE TELEPHONE	LESSEE / CONTRACT VENDEE
(845) 563-0461	
AREA CODE FAX	ADDRESS
Greg@TaroneEsq.com	
EMAIL	CITY STATE ZIP

Section B — **Site Data**

1620 Shore Boulevard — 11235
STREET ADDRESS (INCLUDE ANY A/K/A) — ZIP CODE

South side of Shore Boulevard between Oxford and Norfolk Streets
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
8757	87	Brooklyn	15	N/A

CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)	ZONING MAP NUMBER
Chaim M. Deutsch	R3-1	29b

Section C — **Dept of Building Decision**

BSA AUTHORIZING SECTION(S) 73-622 for ☐ VARIANCE ☑ SPECIAL PERMIT (Including 11-41)
Section(s) of the Zoning Resolution to be varied 23-141(a), 23-141, 23-161 and 23-32.
DOB Decision (Objection/ Denial) date: 9/9/2014 Acting on Application No: 320997409

Section D — **Description**

(LEGALIZATION ☐ YES ☑ NO ☐ IN PART)

Application is for a Special Permit pursuant to ZR Section 73-622 seeking enlargement of a single family home to vary Section 23-141(a) pertaining to floor space area and open space, Section 23-141 pertaining to lot coverage, Section 23-161 pertaining to side yards, and Section 23-32 pertaining to lot area and width.

Section E — **BSA History and Related Actions**

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS	YES	NO
1. Has the premises been the subject of any previous BSA application(s)?	☐	☑
PRIOR BSA APPLICATION NO(S):		
2. Are there any applications concerning the premises pending before any other government agency?	☐	☑
3. Is the property the subject of any court action?	☐	☑

Section F — **Signature**

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

Signature of Applicant, Corporate Officer or Other Authorized Representative

SWORN TO ME THIS 11 DAY OF September 2014

Gregory J. Tarone — Print Name
Attorney & Counselor at Law — Title

NOTARY PUBLIC

CYNTHIA J YNOA
Lic. #01YN6108607
Notary Public-State of New York
Qualified in Dutchess County
My Commission Expires APRIL 20, 2016

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. _____ BLOCK 8757 LOT 87

SUBJECT SITE ADDRESS 1620 SHORE BLVD

APPLICANT SUNG HO SHIN, R.A.

ZONING DISTRICT R3-1

SPECIAL/HISTORIC DISTRICT N/A

COMMUNITY BOARD 315

PRIOR BSA # _____

* *APPLICABLE* ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	COMPLIANT: "Y" IF NOT: "N" and INDICATE AMT OVER/UNDER
LOT AREA 23-32		3,800 SF	N/A	2,260.7	2,260.7	Y
LOT WIDTH 23-22		40.0 FT	N/A	25.0 FT	25.0 FT	Y
USE GROUP (S) 22-11	1A		N/A	1A	1A	Y
FA RESIDENTIAL 23-141(b)	1,130.35		N/A	900.17	2,229.38	N/1,329.21/Ov
FA COMMUNITY FACILITY N/A	N/A		N/A	N/A	N/A	N/A
FA COMMERCIAL/INDUST. N/A	N/A		N/A	N/A	N/A	N/A
FLOOR AREA TOTAL 23-141(b)	1,130.35		N/A	900.17	2,229.38	N/1,392.21/Ov
FAR RESIDENTIAL 23-141(b)	0.5		N/A	0.398	0.986	N/0.588/Ov
FAR COMMUNITY FACILITY N/A	N/A		N/A	N/A	N/A	N/A
FAR COMMERCIAL/INDUST. N/A	N/A		N/A	N/A	N/A	N/A
FAR TOTAL 23-141(b)	0.5		N/A	0.398	0.986	N/0.588/Ov
OPEN SPACE 23-141(b)		1,469.45	N/A	1,360.53	1,206.07	N/263.38/Und
OPEN SPACE RATIO 23-141(b)		65%	N/A	60.2%	53.4%	N/11.6%/Und
LOT COVERAGE (%) 23-141(b)	35%		N/A	39.8%	46.6%	N/11.6%/Ov
NO. DWELLING UNITS 23-22	2 D.U.		N/A	1 D.U.	1 D.U.	Y
WALL HEIGHT 23-631(b)	21'-0"		N/A	9'-0"	23'-3"	N/2'-3"/Ov
TOTAL HEIGHT 23-631(b)	35'-0"		N/A	15'-0"	37'-7 3/4"	N/2'-7 3/4"/Ov
NUMBER OF STORIES			N/A	1	2	Y
FRONT YARD 23-45(a)		15.0 FT	N/A	16.0 FT	16.0 FT	Y
SIDE YARD 23-461(a)		5.0 FT	N/A	0.2 FT	0.2 FT	N/4.8 FT/Ov
SIDE YARD 23-461(a)		8.0 FT	N/A	3.0 FT	3.0 FT	N/5.0 FT/Ov
REAR YARD 23-47		30.0 FT	N/A	19.728 FT	19.728 FT	N/10.272 FT/Ov
SETBACK (S) N/A		N/A	N/A	N/A	N/A	N/A
SKY EXP. PLANE (SLOPE) N/A	N/A		N/A	N/A	N/A	N/A
NO. PARKING SPACES 25-23	1	1	N/A	0	1	Y
LOADING BERTH (S) N/A	N/A	N/A	N/A	N/A	N/A	N/A
OTHER: N/A	N/A	N/A	N/A	N/A	N/A	N/A

* In *Applicable ZR Section column* : For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g. - R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to **current R district requirements**, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to **nearest district where permitted**. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included.

NOTES:

GREGORY J. TARONE
ATTORNEY & COUNSELOR AT LAW

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www.TaroneEsq.com

October 2, 2014

STATEMENT OF FACTS AND FINDINGS

1620 Shore Boulevard
Brooklyn, NY 11235
Block 8757, Lot 87
(the "Premises")

JURISDICTION, IDENTIFICATION OF PREMISES AND OBJECTIONS

This application is filed on behalf of Laura Ziba Bauta and Marteza Bauta (the "Applicants") pursuant to §73-622 of the Zoning Resolution of the City of New York, as amended (hereinafter the "Zoning Resolution" or "ZR"), requesting a Special Permit to enlarge a one-story single-family dwelling in a residential zoning district (R3-1). The Premises is located on Shore Boulevard in Brooklyn between Norfolk and Oxford Streets, within Community District 15.

The Premises is a 25' wide by approximately 90'-6'' deep, lot measuring 2,260.7 square feet. It is improved with an existing one-story single-family detached house (the "Existing Home").

The Applicants seek approval to enlarge the Existing Home, in accordance with the provisions of ZR §73-622, by adding a cellar (that will be used as a garage), and adding second and third floors (the "Proposed Enlargement").

To permit the Proposed Enlargement, building plans were submitted to the Department of Buildings ("DOB"). On September 9, 2014, the following objections were issued for the Proposed Enlargement:

1. *Proposed floor area ratio exceeds the maximum 0.5 permitted, contrary to Z.R, 23-141(B), and must be referred to Board of standard and appeals for further action."*
2. *Proposed lot coverage exceeds the maximum 35% allowed, contrary to Z.R. 23-141(B), and must be referred to Board of standard and appeals for further action."*
3. *Proposed two side yards must be at least minimum 5 feet and total 13 feet side yard required, contrary to Z.R. 23-461, and must be referred to Board of standard and appeals for further action."*

   Proposed open space is required minimum 65%, contrary to Z.R. 23-141(B), and must be referred to Board of standard and appeals for further action."

SECTION 73-622

Pursuant to ZR §73-622, the Board of Standards and Appeals may permit the enlargement of one and two family homes within certain community districts in contravention of various bulk limitations provided in Article II of the ZR. In order to grant this permit, conditions and findings

regarding the location of a subject property, any existing zoning non compliances, and the impact an enlargement will have upon the character of the surrounding community must be satisfied. For the following reasons, we submit that such findings can be made in the instant matter, as set forth below.

LOCATION

As stated, the Premises are located within Brooklyn Community District 15, which is an area described under part (a) of ZR §73-622.

NON-COMPLIANCES

Floor Area Ratio:

The proposal would create a new non-compliance with respect to floor area ratio. Section 23-141 of the ZR provides a maximum permitted floor area ratio of 0.50 (1,130.35 square feet). The existing floor area ratio of the Premises is 0.398 (900.17 square feet of floor area). The proposed floor area is 2,229.38 square feet, which equates to a floor area ratio of 0.986. The proposed floor area ratio is permitted pursuant to Section 73-622 of the ZR.

Lot coverage:

The proposal would increase the degree of noncompliance as it pertains to lot coverage. Section 23-141 of the ZR provides a maximum lot coverage of 35%. The existing lot coverage on the Premises is 39.8%. The proposed lot coverage is 46.6%. The proposed lot coverage is permitted pursuant to Section 73-622 of the ZR.

Side Yards:

The proposal would maintain the existing degree of noncompliance as it pertains to side yards. Section 23-461 of the ZR requires a total width of side yards of 13 feet, with a minimum required width of five feet for any side yard. The Existing Home has one side yard, measuring three feet from the easternmost exterior wall to the eastern lot line. There is no side yard on the western side of the Existing Home. The proposal would extend into the eastern side yard, as well as enlarge a portion of the western side of the building towards the side lot line. Such side yards are permissible pursuant to Section 73-622(1) of the ZR, which states that "any enlargement within a side yard shall be limited to an enlargement within an existing non-complying side yard and such enlargement shall not result in a decrease in the existing minimum width of open area between the building that is being enlarged and the side lot line."

Open Space:

The proposal would increase the degree of noncompliance as it pertains to open space. Section 23-141 of the ZR provides a minimum required open space of 65%. The existing percentage of open space on the Premises is 60.2%. The proposed open space is 53.4%. The proposed percentage of open space is permitted pursuant to Section 73-622 of the ZR.

FINDINGS

In order to permit the Proposed Enlargement, the Board of Standards and Appeals must find that the proposal "will not alter the essential character of the neighborhood or district in which the building is located, nor impair the future use or development of the surrounding area." The Proposed Enlargement is in keeping with the surrounding area, and has been designed in a similar fashion to the neighboring properties located immediately to the east (1624 Shore Boulevard[1]) and west (1618 Shore Boulevard[2]).

The Proposed Enlargement will not impair the future use or development of the surrounding area. The scale of the Proposed Enlargement is in keeping with the ongoing transition and reinvestment in this neighborhood. Moreover, the Premises will continue to be used as a single-family home—a use permitted by the ZR. The only impact that the Proposed Enlargement will have on the surrounding area is to positively impact the value of neighboring properties, and to improve the aesthetics of the surrounding community.

CONCLUSION

As stated above, the proposed enlargement is within the designated area eligible for the Section 73-622 special permit, and satisfies the required findings of this section. The enlargement will conform to the neighborhood character and will not impair or alter either the use or development of the surrounding area.

[1] Enlarged in 2008 pursuant to Section 73-622 (216-08-BZ).
[2] Enlarged in 2010 pursuant to Section 73-622 (66-10-BZ).

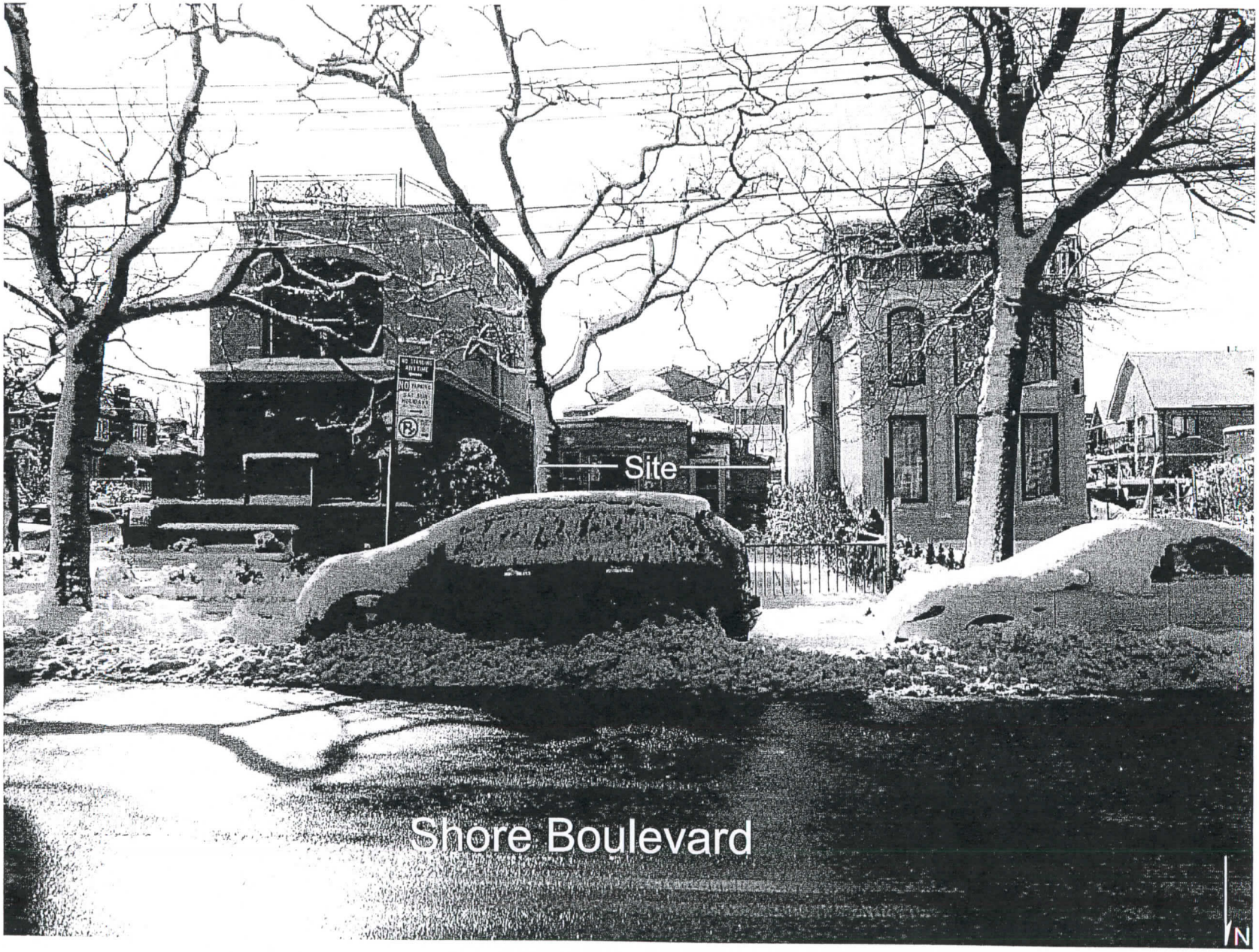
Being confident that both the findings and conditions of Zoning Resolution §73-622 are satisfied in the instant application, I respectfully submit that granting of the Special Permit would be both appropriate in the circumstances and fully supported by the facts presented.

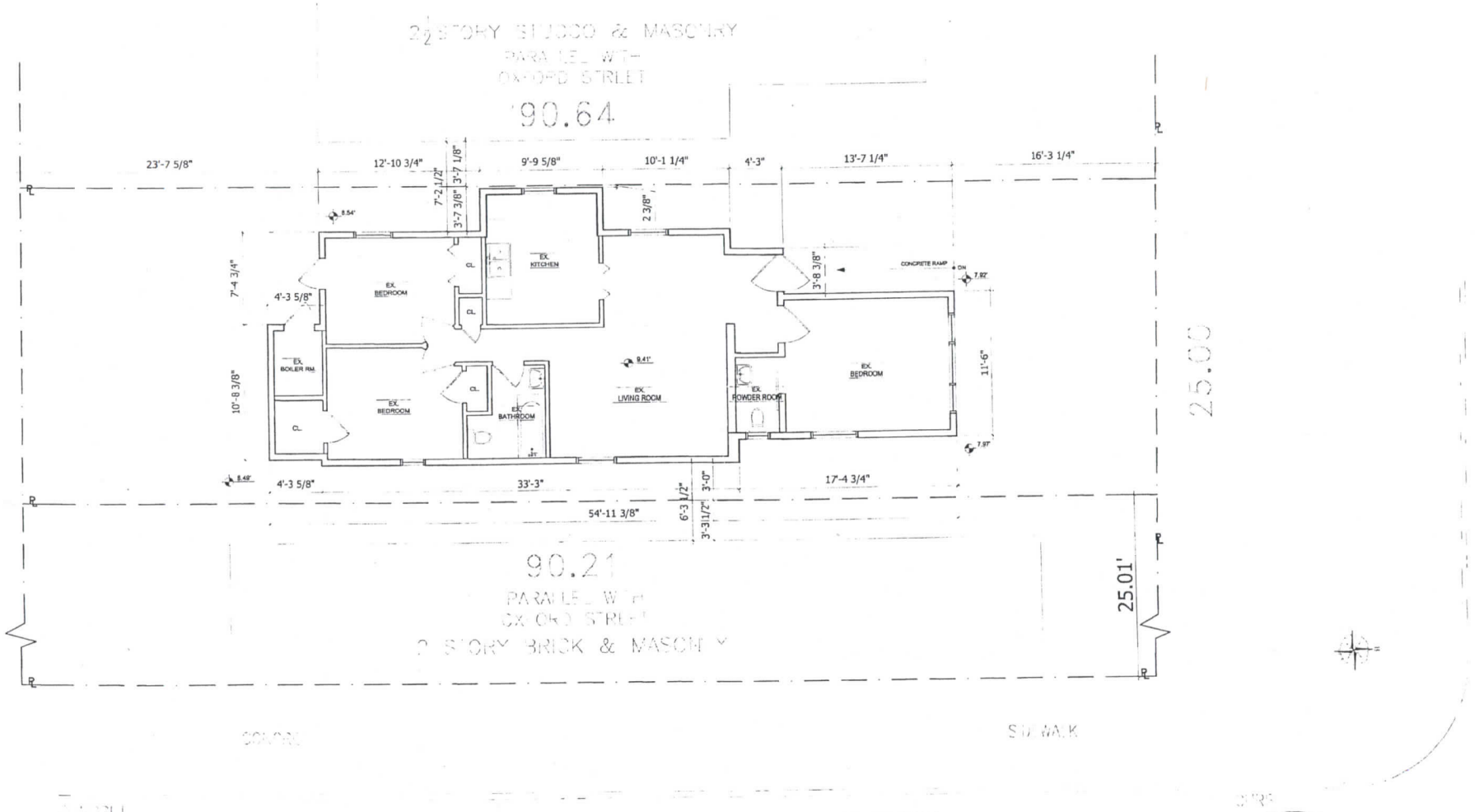
Respectfully submitted,

Gregory J. Tarone, Esq.

1620 Shore Boulevard, Brooklyn
Block 8757, Lot 87

Photo #3





1 EXISTING 1st FLOOR PLAN
SCALE: 1/8" = 1'-0"

Architect:
Sung-Ho Shin Architect, P.C.
194-02 Northern Blvd., Suite #218
Flushing, NY 11358
Tel: 718.428.2882
Fax: 718.428.2872

DRAWING TITLE
EXISTING
1st FLOOR PLAN

PROJECT
1620 SHORE BLVD.
BROOKLYN, NY 11235

REGISTERED ARCHITECT
SUNG-HO SHIN
026548
STATE OF NEW YORK
SEAL & SIGNATURE

Drawn By: HMK
Checked by: S.S.
Dwg No:
A-001.00