



**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. 329-14-BZ

CEQR NO. 15-BSA-132K

**Section A**

Applicant/  
Owner

Law Office of Lyra J. Altman

NAME OF APPLICANT

23 Morningside Drive

ADDRESS

Greenwich CT 06830

CITY STATE ZIP

(212) 452-4284

AREA CODE TELEPHONE

AREA CODE FAX

lyra@lyraesq.com

EMAIL

Isaac Mishan

OWNER OF RECORD

1877 East 9th Street

ADDRESS

Brooklyn NY 11223

CITY STATE ZIP

LESSEE / CONTRACT VENDEE

ADDRESS

CITY STATE ZIP

**Section B**

Site  
Data

1316 Avenue S

STREET ADDRESS (INCLUDE ANY A/K/A)

11229

ZIP CODE

South side of Avenue S between East 13th Street and East 14th Street

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

7292 7 Brooklyn 15

BLOCK LOT(S) BOROUGH COMMUNITY DISTRICT LANDMARK/HISTORIC DISTRICT

Chaim Deutsch R4-1 28c

CITY COUNCIL MEMBER ZONING DISTRICT ZONING MAP NUMBER

(include special district, if any)

**Section C**

Dept of Building  
Decision

BSA AUTHORIZING SECTION(S) Z.R. 73-622 for  VARIANCE  SPECIAL PERMIT (Including 11-41)

Section(s) of the Zoning Resolution to be varied 23-141, 23-46 and 23-47

DOB Decision (Objection/ Denial) date: December 19, 2014 Acting on Application No: 320917022

**Section D**

Description

(LEGALIZATION  YES  NO  IN PART)

This application is filed pursuant to Section 73-622 of the Zoning Resolution of the City of New York, as amended, to request a special permit to allow the enlargement of an existing single family semi-detached residence located in a residential (R4-1) zoning district.

**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.

*Lyra J. Altman*  
Signature of Applicant, Corporate Officer or Other Authorized Representative

BEATA JANKOWSKI  
NOTARY PUBLIC OF CONNECTICUT  
COMMISSION EXPIRES 06/30/2015

SWORN TO ME THIS 29 DAY OF Dec. 2014

Lyra J. Altman

Print Name

Attorney

Title

*Beata Jankowski*  
NOTARY PUBLIC

**LAW OFFICE OF LYRA J. ALTMAN**  
23 MORNINGSIDE DRIVE  
GREENWICH, CONNECTICUT 06830  
(212) 452-4284

December 2014

**STATEMENT OF FACTS AND FINDINGS**

BSA Calendar No.:  
Premises: 1316 Avenue S  
Brooklyn, New York

This application is filed pursuant to Section 73-622 of the Zoning Resolution of the City of New York, as amended (hereinafter "Zoning Resolution"), to request a special permit to allow the enlargement of an existing one family semi-detached residence located in a residential (R4-1) zoning district. The subject premises has the address of 1316 Avenue S, Brooklyn, New York and is known as Block 7292, Lot 7 on the New York City tax map. The site is located within Community District 15 and has a lot area of 2,000 square feet measuring one hundred feet (100') in depth by twenty feet (20') in width.

Plans have been filed with the Department of Buildings in order to permit the desired enlargement. On December 19, 2014, the following objections were issued for the subject Premises:

- 1. Total existing F.A. (1,928.53 S.F.) exceeds max. allowable (1,500 S.F.)*
- 2. Total existing lot coverage (1,060.96 S.F.) exceeds max. allowable (700.00 S.F.)*
- 3. Existing height (36' 10") exceeds max. permitted (35'-0")*

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4. *Existing side yard not compliant. (1) exist'g side yard (3'-7 ¾") < (4'-0") required.*
5. *Existing 34ft rear yard. Proposed horizontal extension creates non-compliant rear yard condition (22'- 7 ½") < (30') required.*
6. *Existing open space (939.03 S.F.) < (1,300 S.F.) min. required*
7. *Entire attic floor area should be counted due to fixed stair.*  
*"Floor area"*  
*(g) any other floor space used for dwelling purposes, no matter where located within a #building#, when not specifically excluded;*
8. *Cellar parking not permitted – ceiling height less than 8 feet.*  
*Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.*

The lot coverage and open space objections should not be addressed as these objections were issued in error. There are no maximum lot coverage or minimum open space requirements in the R4-1 zoning district. Under Zoning Resolution Section 23-141, lot coverage and open space are "governed by yard requirements." The total height objection should also be disregarded as the proposed portion of the building complies with the height limitations under Zoning Resolution Section 23-631. The only portion of the building that exceeds the maximum permitted building height is the existing roof. Lastly, the objections for attic floor area calculations and cellar parking are not permitted to be waived under Zoning Resolution Section 73-622; therefore these objections will be addressed at the Department of Buildings and no waiver is being sought for these objections.

**SECTION 73-622**

Pursuant to Section 73-622 of the Zoning Resolution, the Board of Standards and Appeals has the authority to permit the enlargement of one and two family residences creating new non-

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compliances within designated areas provided that several conditions and findings of the said section can be satisfied. I submit that those conditions have been met and that the findings can be made in the instant matter as set forth below.

**LOCATION**

The Premises is located within Community District 15 in the Borough of Brooklyn which is the area described under subsection (a) of Section 73-622 of the Zoning Resolution.

**NON-COMPLIANCES**

Floor Area Ratio:

Section 23-141 of the Zoning Resolution provides a maximum permitted floor area ratio of .75 (1,500 square feet). The existing home has a floor area ratio of .96 (1,928.53 square feet). The instant proposal increases the floor area ratio to 1.22 (2,440.76 square feet). Said floor area ratio is permitted pursuant to Section 73-622 of the Zoning Resolution.

Side Yard:

Section 23-461 of the Zoning Resolution requires a four foot (4') side yard. The existing home has a side yard of three feet seven and three-quarter inches (3' 7 ¾"). The proposed enlargement continues the existing side yard of three feet seven and three-quarter inches (3' 7 ¾"). Said side yard is permitted pursuant to Section 73-622 (1) of the Zoning Resolution 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."

Rear Yard:

Section 23-47 of the Zoning Resolution requires a rear yard of thirty feet (30'). The existing home has a rear yard of thirty feet four and three-quarter inches (30' 4 ¾"). The instant proposal reduces this rear yard to twenty-two feet seven and one-half inches (22' 7 ½"). Said rear yard is permitted pursuant to Section 73-622 (2) of the Zoning Resolution, which states "any enlargement that is located in a rear yard [shall not be located] within 20 feet of the rear lot line."

**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." This proposal is in keeping with the development of the area. The overall design of the home is similar to the neighborhood conditions and the proposed use is a single-family residence. The Zoning Resolution permits single-family residential use, and therefore the essential character of the area will not be altered, nor will this proposal impair the future use or development of the surrounding area.

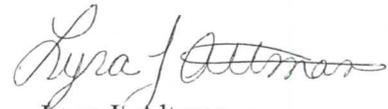
**CONCLUSION**

As set forth above, the proposed enlargement is located within a designated area and meets the conditions of Zoning Resolution Section 73-622. The proposal also conforms to the character of the neighborhood and will not impair the future use or development of the area. I therefore submit that the conditions and findings of Zoning Resolution Section 73-622 have been satisfied

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in the instant matter, and respectfully request that the Board grant the special permit as it is both appropriate and fully supported by the facts.

Respectfully submitted,



Lyra J. Altman

BSA CALENDAR NO. \_\_\_\_\_

BLOCK 7292

LOT 7

SUBJECT SITE ADDRESS \_\_\_\_\_

1316 Avenue S, Brooklyn, NY 11229

APPLICANT \_\_\_\_\_

The Law Office of Lyra Altman

COMPLIANT: "Y"

ZONING DISTRICT R4-1

PRIOR BSA # NO

IF NOT: "N" and

SPECIAL/HISTORIC DISTRICT \_\_\_\_\_

INDICATE AMT

COMMUNITY BOARD 15

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	OVER/UNDER
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LOT AREA

23-32		1,700	N/A	2,000 sf	2,000 sf	Y
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LOT WIDTH

23-32		18'	N/A	20'	20'	Y
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USE GROUP (S)

22-00	1, 2, 3, 4		N/A	2	2	Y
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FA RESIDENTIAL

23-141b	1,500.00		N/A	1,928.53	2,440.76	N (63%)
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FA COMMUNITY FACILITY

N/A	N/A		N/A	N/A	N/A	N/A
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FA COMMERCIAL/INDUST.

N/A	N/A		N/A	N/A	N/A	N/A
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FLOOR AREA TOTAL

23-141b	1,500.00		N/A	1,928.53	2,440.76	N (63%)
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FAR RESIDENTIAL

23-141b	.75*		N/A	0.96	1.22	N (63%)
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FAR COMMUNITY FACILITY

N/A	N/A		N/A	N/A	N/A	N/A
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FAR COMMERCIAL/INDUST.

N/A	N/A		N/A	N/A	N/A	N/A
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FAR TOTAL

23-141b	.75		N/A	0.96	1.22	N (63%)
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OPEN SPACE

N/A		N/A	N/A	N/A	N/A	N/A
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OPEN SPACE RATIO

N/A		N/A	N/A	N/A	N/A	N/A
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LOT COVERAGE (%)

N/A	N/A		N/A	N/A	N/A	N/A
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NO. DWELLING UNITS

23-22	1		N/A	1	1	Y
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WALL HEIGHT

23-631b	25'-0"		N/A	22'-2 7/16"	22'-2 7/16"	Y
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TOTAL HEIGHT

23-631b	35'-0"		N/A	37'-1 1/4"	37'-1 1/4"	N (6%)**
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NUMBER OF STORIES

			N/A	2 + Attic	2+ Attic	N/A
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FRONT YARD

23-45a		12'-6"	N/A	12'-6"	12'-6"	Y
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SIDE YARD

23-461b c		4'-0"	N/A	3'-7 3/4"	3'-7 3/4"	N (12%)
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SIDE YARD

23-461b		N/A	N/A	N/A	N/A	N/A
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REAR YARD

23-47		30'-0"	N/A	30'-4 3/4"	22'-7 1/2"	N (25%)
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SETBACK (S)

N/A		N/A	N/A	N/A	N/A	N/A
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SKY EXP. PLANE (SLOPE)

23-631b	80D to hor.		N/A	N/A	N/A	N/A
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NO. PARKING SPACES

25-22a & 25-15	3	1	N/A	0	1	Y
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LOADING BERTH (S)

N/A						
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OTHER:

N/A						
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\* 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: \* FAR may be increased by up to 20% provided that such increase in floor

area is located directly under a sloping roof which rises at least 3 1/2" in vertical distance for each foot of horizontal distance & the structural headroom of such floor area is between 5' & 8'.

\*\*pre-existing non compliance



AVENUE S

Location: 1316 Avenue S

Block: 7292

Lot: 7

PHOTOGRAPHED BY: GEORGE CONSTANTINOU 24-35 28th STREET #3A ASTORIA NY 11102 (718) 932-8784

VIEW #2



DATE: February 23, 2014



SCOPE OF WORK:

TWO STORY ADDITION AT REAR AND INTERIOR WORK

ARCHITECT'S SEAL:



No.	ISSUE DATE:	COMMENT:

DRAWING TITLE

EXISTING PLOT PLAN

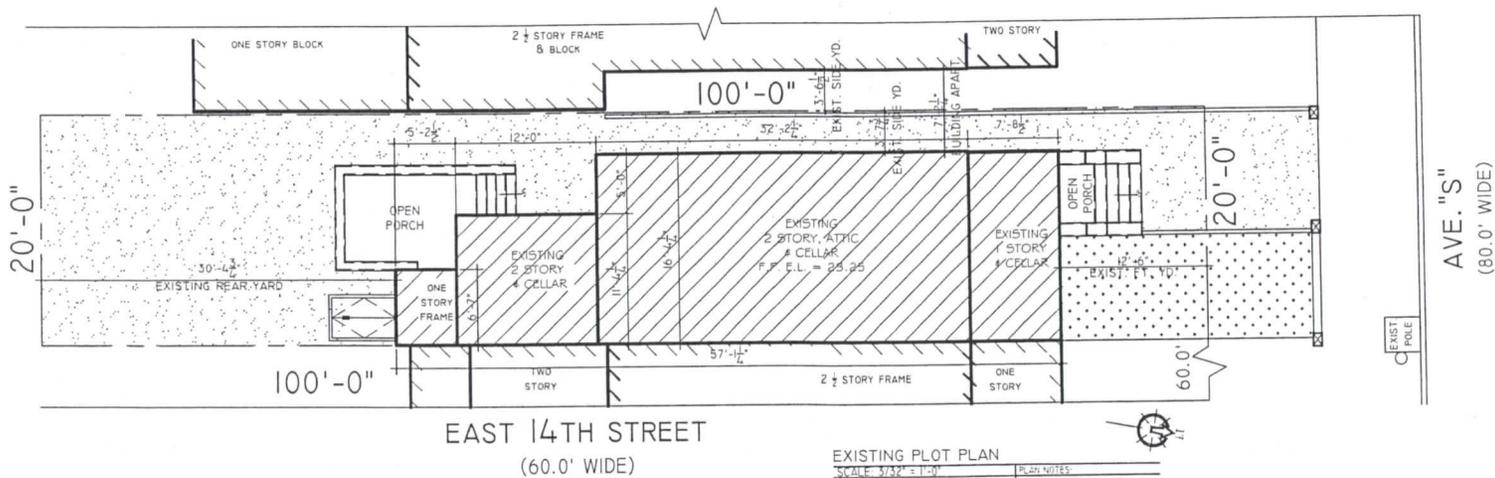
DRAWN BY:	PRINT DATE:
C.P.	07/16/14
CHECKED BY:	PRINTED FOR:
G.G.	B.S.A.
SCALE:	JOB NO.
AS NOTED	1219

DRAWING NUMBER:

A100.00

I OF 22

EXISTING FLOOR AREA:	
FIRST FLOOR:	= 821.99 SF
SECOND FLOOR:	= 661.65 SF
ATTIC FLOOR:	= 444.89 SF
TOTAL EXISTING FLOOR AREA:	= 1928.53 SF (0.96 F.A.R.)



EXISTING PLOT PLAN  
SCALE: 1/32" = 1'-0"  
PLAN NOTES



SCOPE OF WORK:

TWO STORY ADDITION AT  
REAR AND INTERIOR  
WORK

ARCHITECT'S SEAL:



ISSUE  
No. DATE: COMMENT:

DRAWING TITLE

EXISTING FRONT  
& REAR  
ELEVATIONS

DRAWN BY: C.P. PRINT DATE: 07/16/14

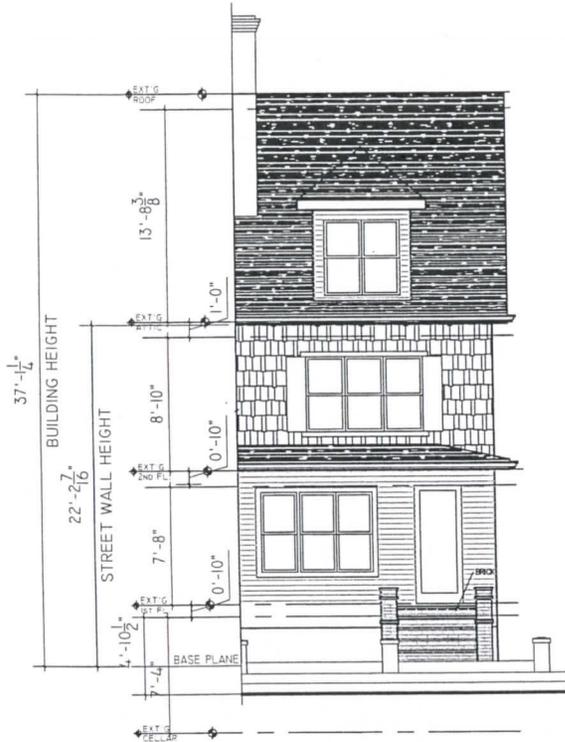
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SCALE: AS NOTED JOB NO. 1219

DRAWING NUMBER:

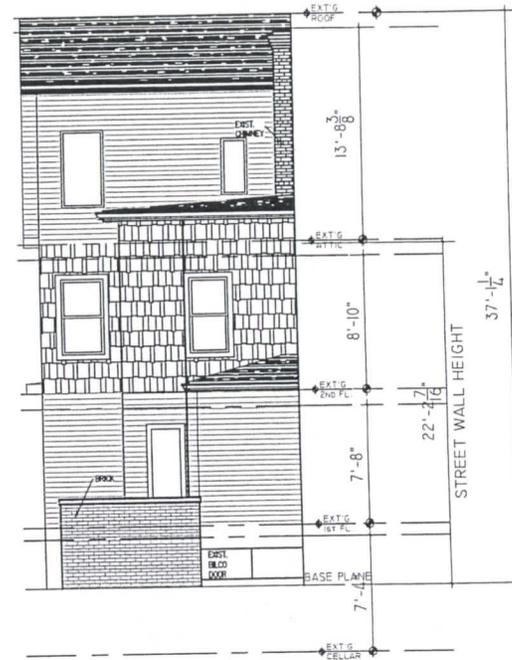
A106.00

7 OF 22



EXISTING FRONT ELEVATION (1)

SCALE: 1/8" = 1'-0" PLAN NOTES



EXISTING REAR ELEVATION (3)

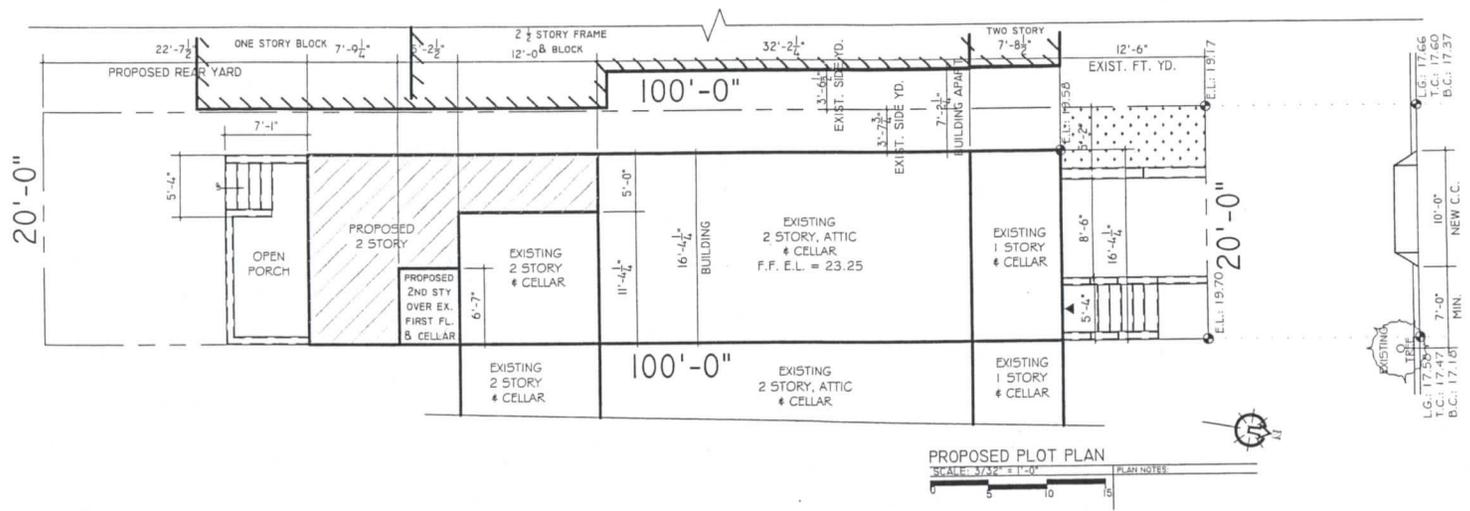
SCALE: 1/8" = 1'-0" PLAN NOTES



BSA CAL.# ----

\* PORCHES TO BE ADDED  
SUBJECT TO DOB APPROVAL

PROPOSED FLOOR AREA:	
FIRST FLOOR:	238.97 SF
SECOND FLOOR:	273.26 SF
ATTIC FLOOR:	0.00 SF
TOTAL PROPOSED FLOOR AREA:	512.23 SF (0.26 F.A.R.)



1316 AVENUE S  
BROOKLYN, NY 11229



SCOPE OF WORK:  
TWO STORY ADDITION AT  
REAR AND INTERIOR  
WORK



ISSUE  
No. DATE: COMMENT:

DRAWING TITLE:  
PROPOSED PLOT  
PLAN

DRAWN BY:	PRINT DATE:
C.P.	07/16/14
CHECKED BY:	PRINTED FOR:
G.G.	B.S.A.
SCALE:	JOB NO.
AS NOTED	1219

DRAWING NUMBER:  
**AIII.00**



SCOPE OF WORK:  
TWO STORY ADDITION AT  
REAR AND INTERIOR  
WORK

ARCHITECT'S SEAL:



ISSUE  
No. DATE: COMMENT:

DRAWING TITLE:

PROPOSED FRONT  
& REAR  
ELEVATIONS

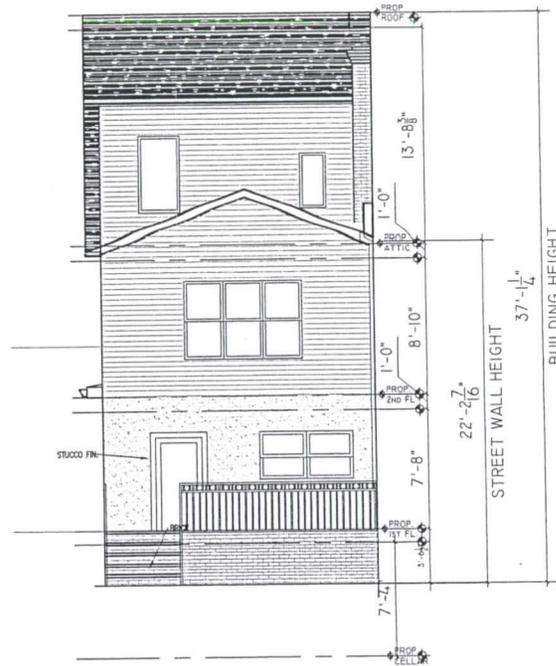
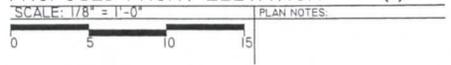
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CHECKED BY: G.G.	PRINTED FOR: B.S.A.
SCALE: AS NOTED	JOB NO. 1219

DRAWING NUMBER:

AI17.00



PROPOSED FRONT ELEVATION (1)



PROPOSED REAR ELEVATION (3)





SCOPE OF WORK:

TWO STORY ADDITION AT  
REAR AND INTERIOR  
WORK

ARCHITECT'S SEAL:



ISSUE  
No. DATE: COMMENT:

DRAWING TITLE:

PROPOSED SIDE  
ELEVATION

DRAWN BY: C.P.	PRINT DATE: 07/16/14
CHECKED BY: G.G.	PRINTED FOR: B.S.A.
SCALE: AS NOTED	JOB NO. 1219

DRAWING NUMBER:

A118.00



PROPOSED RIGHT SIDE ELEVATION (2)

SCALE: 1/8" = 1'-0" PLAN NOTES:





SCOPE OF WORK:

TWO STORY, AND CELLAR  
ADDITION AT REAR AND  
INTERIOR WORK

ARCHITECT'S SEAL:



ISSUE  
No. DATE: COMMENT:

DRAWING TITLE:

PROPOSED  
STREET SCAPE

DRAWN BY: C.P.	PRINT DATE: 07/16/14
CHECKED BY: G.G.	PRINTED FOR: B.S.A.
SCALE: AS NOTED	JOB NO. 1219

DRAWING NUMBER:

A121.00



PROPOSED STREETScape

SCALE: 1/8" = 1'-0"

PLAN NOTES:

