NYC
Board of Standards and Appeals

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New York, NY 10007
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www.nyc.gov/bsa

ZONING (BZ) CALENDAR
Application Form

BSA APPLICATION NO. 126-15-BZ
CEQR NO. _____

Section A — *Applicant/ Owner*

Sheldon Lobel, P.C. — NAME OF APPLICANT	Hannah Hendel — OWNER OF RECORD
18 East 41st Street — ADDRESS	1782 East 27th Street — ADDRESS
New York / NY / 10017 — CITY / STATE / ZIP	Brooklyn / NY / 11229 — CITY / STATE / ZIP
212 / 725-2727 — AREA CODE / TELEPHONE	— LESSEE / CONTRACT VENDEE
212 / 725-3910 — AREA CODE / FAX	— ADDRESS
slobel@sheldonlobelpc.com — EMAIL	— CITY / STATE / ZIP

Section B — *Site Data*

1782 East 27th Street — STREET ADDRESS (INCLUDE ANY A/K/A)
11229 — ZIP CODE
Located on the western side of East 27th Street between Quentin Road and Avenue R. — DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
6809	44	Brooklyn	15	N/A

CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)	ZONING MAP NUMBER
Alan Maisel	R3-2	23b

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 ZR 23-141; ZR 54-31
DOB Decision (Objection/ Denial) date: 4/29/15 *Acting on Application No:* 321081752

Section D — *Description*

(LEGALIZATION ☐ *YES* ☑ *NO* ☐ *IN PART)*

This is an application for a single family home enlargement which will increase the FAR, an existing non-compliance.

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.

Sheldon Lobel
Signature of Applicant, Corporate Officer or Other Authorized Representative

Sheldon Lobel — *Print Name*
Attorney — *Title*

SWORN TO ME THIS 21ST DAY OF May 2015

JORDAN MOST
Notary Public, State of New York
No. 02MO5076775
Qualified in New York County
Commission Expires April 28, 2019

NOTARY PUBLIC

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May 20, 2015

STATEMENT OF FACTS

BSA Cal. No.: _____
Premises: 1782 East 27th Street
Block 6809 Lot 44
Brooklyn, New York (the "Premises")

PRELIMINARY STATEMENT

This application is filed pursuant to Section 73-622 of the Zoning Resolution of the City of New York, as amended (the "Zoning Resolution" or "ZR"), to request a special permit to allow the enlargement of a single-family detached residence (the "Premises") within an R3-2 zoning district.

EXISTING CONDITIONS

The Premises is known as Block 6809 Lot 44 on the Tax Map of the City of New York, and is located within an R3-2 zoning district within Brooklyn Community District 15. The Premises is located on the western side of East 27th Street towards the southern corner of the block, with approximately 18 feet of frontage on East 27th Street and a total lot area of approximately 3,500 square feet. The lot is improved with a two-story, 2,295.20 square foot single-family frame residence with a floor area ratio ("FAR") of .65 and lot coverage of 1,655.05

square feet, or .47. The FAR on OASIS is listed at .34, rather than .65. This discrepancy stems from an addition built by the prior owner of the Premises. This addition did not receive BSA approval. The proposed enlargement would remove this unapproved portion of the Premises.

PROPOSED PROJECT

The owner of the Premises proposes to enlarge the existing two-story detached residence by enlarging the first and second floor and adding an attic. This addition would lead to a total square footage of 3,327.33 (1,406.06 first floor + 1,268.47 second floor + 652.80 attic) and .95 FAR. The proposed front yard would measure eleven feet, which is the same as the existing non-complying front yard, while the proposed rear yard would measure twenty feet and reduce the existing non-compliance – an eighteen foot rear yard. Further, the proposed lot coverage would be .40, an additional reduction in non-compliance, which is currently .47.

DEPARTMENT OF BUILDINGS OBJECTIONS

Plans for the proposed enlargement were filed at the Department of Buildings ("DOB") under Application Number 321081752. On April 29, 2015, DOB issued the following objections (verbatim):

1. *The proposed Zoning Floor Area represents and increase of 29% to the existing non compliance contrary to ZR Sections 23-141 and 54-31.*
2. *The Proposed enlargement of the 2nd floor front represents an increase to the existing non-compliance regarding required Front Yard contrary to ZR Sections 23-45 and 54-31.*

Note: all other existing non-compliances regarding Lot Coverage; Minimum Lot Area & Width; Required Front, Side, and Rear Yards remain unchanged.
Referred to The Board if Standards and Appeals

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

creating new non-compliances or increasing the amount or degree of existing non-compliances within designated areas provided that several conditions and findings of said section can be satisfied, as follows:

The Board of Standards and Appeals may permit an *enlargement* of a *single-* or *two-family detached* or *semi-detached residence* within the following areas:

(a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and

(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn."

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of any existing *non-compliance*, with the applicable *bulk* regulations for *lot coverage*, *open space*, *floor area*, *side yard*, *rear yard* or perimeter wall height regulations, provided that:

(1) 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*;

(2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and

(3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single-* or *two-family detached* or *semidetached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent building's *noncomplying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* 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 Board

may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

We submit that the conditions set forth in ZR § 73-622 have been met and that the findings can be made in this matter.

Location

The Premises is located within the area described under item (a) of § 73-622. The Premises is within Community District 15 in the Borough of Brooklyn.

Floor Area and Lot Coverage

ZR § 23-141 provides a maximum permitted floor area ratio of 0.50 in the subject R3-2 zoning district. The existing residence has a total floor area of 2,295.20 square feet and a FAR of .65. The proposed enlargement calls for a total floor area of 3,327.33 square feet and FAR of .95. The current floor area is an existing non-compliance, but increasing the non-compliance would not alter the character of the surrounding neighborhood.

ZR § 23-141 further specifies a maximum lot coverage of 35%, or 1,225.0. The existing lot coverage is 47%, an existing non-compliance. The proposed lot coverage is 40%. Therefore, the proposed enlargement would reduce the existing non-compliance.

Front Yard

ZR § 23-45 requires a minimum front yard of fifteen feet. The DOB Objection is correct in stating the front yard is currently non-complying at eleven feet at the first floor. The second floor enlargement will not extend further into the front yard, and will consist of an exactly fifteen foot front yard measured from the second floor, leading to no increase in the non-compliance. Thus, this front yard is permitted pursuant to ZR § 23-45.

Side Yards

ZR § 23-461(a) requires a minimum side yard of five feet on any side and a total width of thirteen feet. Both proposed side yards would remain unchanged from the existing non-complying side yards. These side yards are permitted pursuant to ZR § 73-622 (1).

Rear Yard

ZR § 23-47 of the Zoning Resolution requires a rear yard of thirty feet. The rear yard is currently non-complying at 18 feet. This proposal calls for a rear yard of twenty feet, a reduction in the existing non-compliance. Thus, this rear yard is permitted pursuant to ZR § 73-622(2).

Perimeter Wall

ZR § 23-631 of the Zoning Resolution provides for a maximum perimeter wall height of twenty-five feet. This proposal calls for a perimeter wall height of twenty-one feet. This perimeter wall height is permitted pursuant to ZR § 73-622.

Findings

The enlargement of the single-family residence proposed in this application is in keeping with the surrounding residential area. According to NYC OASIS data, additional residences on the surrounding blocks of the Premises have comparable and greater FARs: 1710 East 27 Street, Block 6809, Lot 9 (FAR .91); 1725 27th Street, Block 6810, Lot 86 (FAR 1.02); 1766 East 28th Street, Block 6810, Lot 34 (FAR 1.39). Two residences are located directly across from the Premises: 1777 East 27 Street, Block 6810, Lot 65, (FAR .91) and 1773 East 27th Street, Block 6810, Lot 66 (FAR .96). These are all single-family residences with comparable and greater bulk than that proposed in this application.

Additionally, the new roof design and height are comparable with the surrounding neighborhood as well. The home immediately adjacent to the Premise, 1776 East 27th Street,

already has a roof which is identical in height and style. 1770 East 27th Street, 1762 East 27th Street, 1754 East 27th Street and 1748 East 27th Street also have similarly styled roofs.

Within the last ten years, the Board has granted numerous special permits pursuant to ZR § 73-622 in the area surrounding the Premises, specifically within R3-2 zoning districts located within Community Board 15. In 2006, under BSA Calendar No. 226-06-BZ, the Board granted a special permit pursuant to ZR § 73-622 for a residence one block away from the Premises, 1766 East 28th Street (Block 6810, Lot 34), for the enlargement of a single-family semi-detached residence. More recently, under Calendar No. 82-12-BZ, the Board granted a special permit to enlarge a single-family semi-detached home in the same zoning district as the Premises, located at 2011 East 22nd Street, (Block 7301, Lot 55), permitting a floor area ratio of 1.07 and lot coverage of 76 percent. Additionally, under BSA Calendar No. 82-12-BZ, the Board granted a special permit to allow the enlargement of a single family home at 2224 Avenue S (Block 7301, Lot 9) to an FAR of 1.01, lot coverage of 42% and open space ratio of 58%. See BSA Resolutions for 226-06-BZ, 82-12-BZ, and 82-12-BZ, attached hereto.

ZONING RESOLUTION § 73-03 – GENERAL SPECIAL PERMIT FINDINGS

This application also meets all of the findings of Zoning Resolution Section 73-03, which sets forth general findings that the Board must make for the issuance of all special permits. The finding required by each subsection is set forth below.

Subsection (a) conditions the Board's authority for granting a special permit on the Board making all special permit findings and that any disadvantage to the community is outweighed by the advantages to be derived by the community. The proposed special permit poses no hazards or disadvantages to the community at large because the proposed enlargement would result in a modest increase in floor area that is within the character of the