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. 333-14-BZ
CEQR NO. 15-BSA-136K

Section A — **Applicant/ Owner**

Law Office of Lyra J. Altman	Lauren Jemal
NAME OF APPLICANT	OWNER OF RECORD
23 Morningside Drive	2319 East 5th Street
ADDRESS	ADDRESS
Greenwich / CT / 06830	Brooklyn / NY / 11223
CITY / STATE / ZIP	CITY / STATE / ZIP
(212) / 452-4284	
AREA CODE / TELEPHONE	LESSEE / CONTRACT VENDEE
AREA CODE / FAX	ADDRESS
lyra@lyraesq.com	
EMAIL	CITY / STATE / ZIP

Section B — **Site Data**

2323 East 5th Street — 11223
STREET ADDRESS (INCLUDE ANY A/K/A) — ZIP CODE

East side of East 5th Street between Gravesend Neck Road and Avenue W
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
7157	60	Brooklyn	15	

CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)	ZONING MAP NUMBER
Mark Treyger	R4 (OP)	28c

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, 23-461, 23-48 and 23-47
DOB Decision (Objection/ Denial) date: December 18, 2014 Acting on Application No: 321010357

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 residence located in a residential (R4) zoning district in the Special Ocean Parkway 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.

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

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

SWORN TO ME THIS 29 DAY OF Dec. 2014

Lyra J. Altman — Print Name
Attorney — Title
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: 2323 East 5th Street
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 residence located in a residential (R4) zoning district in the Special Ocean Parkway District. The subject premises has the address of 2323 East 5th Street, Brooklyn, New York and is known as Block 7157, Lot 60 on the New York City tax map. The site is located within Community District 15 and has a lot area of 3,360 square feet measuring one hundred twenty feet (120') in depth by twenty-eight feet (28') in width.

Plans have been filed with the Department of Buildings in order to permit the desired enlargement. On December 18, 2014, the following objections were issued for the subject Premises:

The proposed enlargement of the existing one family residence in an R4 zoning district:

1. *Creates non-compliance with respect to floor area by exceeding the allowable floor area ratio and is contrary to Sections 23-141 of the Zoning Resolution.*
2. *Creates non-compliance with respect to the open space and lot coverage and is contrary to Section 23-141 of the Zoning Resolution.*

3. *Creates non-compliance with respect to the side yards by not meeting the minimum requirements of Section 23-461 and 23-48.*

4. *Creates non-compliance with respect to the rear yard by not meeting the minimum requirements of Section 23-47 of the Zoning Resolution.*

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-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 (2,520 square feet). The existing home has a floor area ratio of .43 (1,459 square feet). The instant proposal increases the floor area ratio to 1.24 (4,150 square feet). Said floor area ratio is permitted pursuant to Section 73-622 of the Zoning Resolution.

Open Space:

Section 23-141 of the Zoning Resolution provides a minimum required open space of fifty-five percent (55%). The instant proposal calls for an open space of fifty-two percent (52%), a decrease from the existing open space of seventy-six percent (76%). Said open space is permitted pursuant to Section 73-622 of the Zoning Resolution.

Lot Coverage:

Section 23-141 of the Zoning Resolution provides a maximum permitted lot coverage of forty-five percent (45%). The instant proposal calls for a lot coverage of forty-eight percent (48%), an increase from the existing lot coverage of twenty-four percent (24%). Said lot coverage is permitted pursuant to Section 73-622 of the Zoning Resolution.

Side Yard:

Section 23-461 of the Zoning Resolution requires a total width of side yards of thirteen feet (13') with a minimum required width of five feet (5') for any side yard. Section 23-48 of the Zoning Resolution reduces the required total side yards by four inches (4") for each foot (1') the lot is less than the required width with a minimum of five feet (5') for each side yard. The premises is twelve feet (12') less than the required width, resulting in a minimum required width of five feet (5') for each side yard. The existing home has one side yard of two feet nine and one-half inches (2' 9 1/2") and one side yard of six feet eleven inches (6' 11"). The proposed enlargement reduces the larger side yard of six feet eleven inches (6' 11") to the permitted width of five feet (5') and continues the existing side yard of two feet nine and one-half inches (2' 9 1/2"). Said side yards are 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 sixty-one feet five and one-quarter inches (61' 5 1/4"). The instant proposal reduces this rear yard to twenty feet (20'). 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 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

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. _____ BLOCK 7157 LOT 60

SUBJECT SITE ADDRESS 2323 EAST 5TH STREET

APPLICANT LYRA ALTMAN, ESQ.

ZONING DISTRICT R4 PRIOR BSA # _____

SPECIAL/HISTORIC DISTRICT O.P.

COMMUNITY BOARD 15

	* 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		3800 SF		3360 SF	3360 SF	N, 440 SF
LOT WIDTH	23-32		40'-0"		28'-0"	28'-0"	N, 12'- 0"
USE GROUP (S)	22-00	1,2,3,4			ONE (1)	ONE (1)	Y
FA RESIDENTIAL	23-141	2520 SF			1459 SF	4150 SF	N, 1630 SF
FA COMMUNITY FACILITY							
FA COMMERCIAL/INDUST.							
FLOOR AREA TOTAL	23-141	2520 SF			1459 SF	4150 SF	N, 1630 SF
FAR RESIDENTIAL	23-141	.75			.43	1.24	N, 65%
FAR COMMUNITY FACILITY							
FAR COMMERCIAL/INDUST.							
FAR TOTAL	23-141	.75			.43	1.24	N, 65%
OPEN SPACE	23-141		.55		.76	.52	N, 5%
OPEN SPACE RATIO	N/A						
LOT COVERAGE (%)	23-141	.45			.24	.48	N, 7%
NO. DWELLING UNITS	23-22	TWO (2)			ONE (1)	ONE (1)	Y
WALL HEIGHT	23-631 b	25'-0"			21'-10"	23'- 0"	Y
TOTAL HEIGHT	23-631 b	35'-0"			25'-5"	34'-11"	Y
NUMBER OF STORIES					2	2+ATTIC	Y
FRONT YARD	23-45		10'-0"		14'-11 1/2"	14'-11 1/2"	Y
SIDE YARD	23-48		5'-0"		2'- 9 1/2"	2'- 9 1/2"	N, 44%*
SIDE YARD	23-48		5'-0"		6'-11"	5'- 0"	Y
REAR YARD	23-47		30'-0"		61'- 5 1/4"	20'-0"	N, 33%
SETBACK (S)	N/A						
SKY EXP. PLANE (SLOPE)	N/A						
NO. PARKING SPACES	25-15 & 25-22	THREE (3)	ONE (1)		ONE (1)	ONE (1)	Y
LOADING BERTH (S)	N/A						
OTHER:							

* 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.

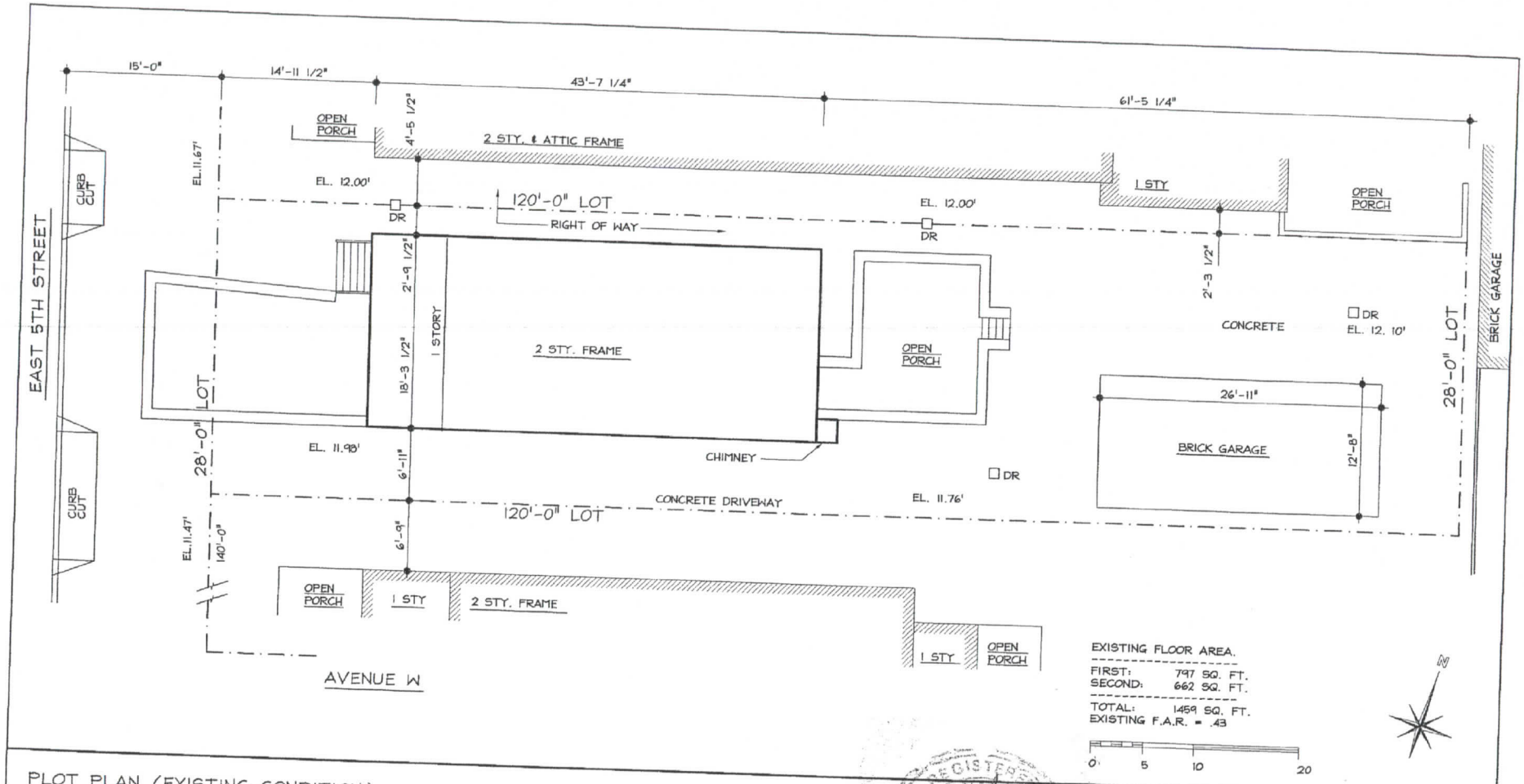
NOTES:

* DENOTES PRE-EXISTING CONDITIONS

STATE OF NEW YORK

2323 East 5th Street, Brooklyn
Block 7157, Lot 60

Photo #3



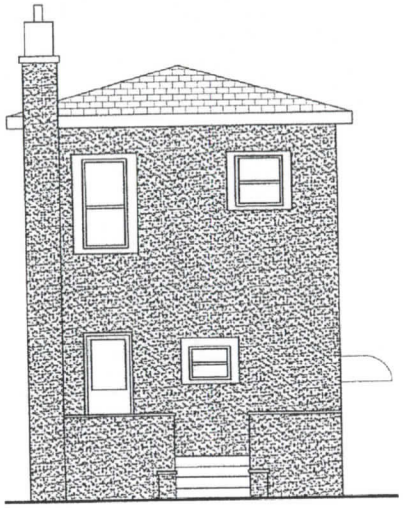
PLOT PLAN (EXISTING CONDITION)

SCALE : 3/32"=1'-0"
PROPOSED ENLARGEMENT OF
2-STORY 1-FAMILY RESIDENCE AT
2323 EAST 5TH STREET, BROOKLYN, NY

CORNERSTONE DESIGNS
Architects
1362 East 2nd Street
Brooklyn, New York 11230
Telephone: (718) 336-1708
Fax: (718) 336-1773
CORNER93@AOL.COM

E1

WEST ELEVATION



EAST ELEVATION

0 5 10 20

ELEVATION (EXISTING CONDITION)

SCALE : 1/8"=1'-0"
PROPOSED ENLARGEMENT OF
2-STORY 1-FAMILY RESIDENCE AT
2323 EAST 5TH STREET, BROOKLYN, NY

CORNERSTONE DESIGNS
Architects
1362 East 2nd Street
Brooklyn, New York 11230
Telephone: (718) 336-1708
Fax: (718) 336-1773
CORNER93@AOL.COM

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