



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. 2016-1217-BZ
CEQR NO. _____

Section A
Applicant/
Owner

Law Office of Jay Goldstein <small>NAME OF APPLICANT</small> 356 Fulton Street, Suite 101 <small>ADDRESS</small> Brooklyn NY 11201 <small>CITY STATE ZIP</small> 646 535-3771 <small>AREA CODE TELEPHONE</small> 646 514-1881 <small>AREA CODE FAX</small> Jay@jaygoldsteinesq.com <small>EMAIL</small>	839-45 Realty LLC <small>OWNER OF RECORD</small> 19 S Fourth Avenue <small>ADDRESS</small> Mount Vernon NY 10550 <small>CITY STATE ZIP</small> _____ <small>LESSEE / CONTRACT VENDEE</small> _____ <small>ADDRESS</small> _____ <small>CITY STATE ZIP</small>
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Section B
Site
Data

45 Southgate Court (2344-2354 West 1st Street) 11223
STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE
 Northern corner of Southgate Court and West 1st street
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

7174	49	Brooklyn	15	None
<small>BLOCK</small>	<small>LOT(S)</small>	<small>BOROUGH</small>	<small>COMMUNITY DISTRICT</small>	<small>LANDMARK/HISTORIC DISTRICT</small>
Mark Treyger	R4	28c		
<small>CITY COUNCIL MEMBER</small>	<small>ZONING DISTRICT</small> <small>(include special district, if any)</small>	<small>ZONING MAP NUMBER</small>		

Section C
Dept of Building
Decision

BSA AUTHORIZING SECTION(S) 72-21 for VARIANCE SPECIAL PERMIT (Including 11-41)
 Section(s) of the Zoning Resolution to be varied 23-141(c), 23-461(b), 23-45(a)
 DOB Decision (Objection/ Denial) date: 12/23/15 Acting on Application No: 320596734

Section D
Description

(LEGALIZATION YES NO IN PART)
 This application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended, to request a variance to allow the enlargement of an existing two-family home located in an R4 zoning district in Brooklyn.

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): _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there any applications concerning the premises pending before any other government agency?....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the property the subject of any court action?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section F
Signature

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

Yaakov Goldstein SWORN TO ME THIS 28th DAY OF December 2015
Signature of Applicant, Corporate Officer or Other Authorized Representative

Yaakov goldstein Attorney
Print Name Title

[Signature] NOTARY PUBLIC
NOTARY PUBLIC, State of New York
 Qualified in Kings County
 No. 0174514683
 My Commission Expires May 21

BSA CALENDAR NO

BLOCK 7174

LOT 49

SUBJECT SITE ADDRESS

45 Southgate Court

APPLICANT

LEWIS E. GARFINKEL, RA

ZONING DISTRICT R4

PRIOR BSA #

COMPLIANT: "Y"

SPECIAL/HISTORIC DISTRICT OP

IF NOT: "N" AND

COMMUNITY BOARD 315

INDICATE AMT

LOT AREA

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	OVER/UNDER
23-32		3,800 SF		3,000 SF	3,000 SF	N (-800 SF)

LOT WIDTH

23-32		40 FT		30 FT	30 FT	N (-10)
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USE GROUP (S)

22-10	4			2	1	Y
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FA RESIDENTIAL

23-141(c)	4,050 SF			2,225 SF	3,838 SF	Y
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FA COMMUNITY FACILITY

N/A						
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FA COMMERCIAL/INDUST.

N/A						
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FLOOR AREA TOTAL

23-141(c)	4,050 SF			2,225 SF	3,838 SF	Y
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FAR RESIDENTIAL

23-141© *	1.35			0.74	1.28	Y
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FAR COMMUNITY FACILITY

N/A						
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FAR COMMERCIAL/INDUST.

N/A						
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FAR TOTAL

23-141© *	1.35			0.74	1.28	Y
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OPEN SPACE

23-141(c)		1,350 SF		2,119 SF	1,081 SF	N (-269 SF)
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OPEN SPACE RATIO

N/A						
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LOT COVERAGE (%)

23-141©	0.55			0.29	0.64	N (+0.09)
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NO. DWELLING UNITS

23-22 *	4			2	1	Y
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WALL HEIGHT

23-631(b)	25			18'-9"	24'-0"	Y
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TOTAL HEIGHT

23-631(b)	35			27'-7"	30'-11"	Y
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NUMBER OF STORIES

				2	2	Y
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FRONT YARD (W 1st. St.)

23-45(a)		18'-0"		63'-1"	23'-0"	Y
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FRONT YARD (Southgate Ct.)

23-45(a)		10'-0"		0'-0"	0'-0"	N (-10'-0")**
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SIDE YARD

23-461(b)		5'-0"		0'-0"	3'-4"	N (-1'-8")
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SIDE YARD

23-461(b)		20'-0"		3'-8"	3'-8"	N (16'-4") **
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SETBACK (S)

N/A						
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SKY EXP. PLANE (SLOPE)

N/A						
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NO. PARKING SPACES

25-22	1			1	1	Y
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LOADING BERTH (S)

N/A						
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OTHER:

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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 * Predominantly Built-up **Existing Non-compliance



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February 7, 2016

**Re: 45 Southgate Court
Brooklyn, NY (the "Premises")
Block 7174, Lots 49
BSA Cal. No.:**

STATEMENT OF FACTS AND FINDINGS

Introduction

This application is submitted on behalf of 839-45 Realty LLC, the owner of the Premises (the "Applicant") (see Affidavit of Ownership annexed hereto), This application is filed pursuant to Section 72-21 of the Zoning Resolution, seeking variances from the provisions of ZR Sections 23-141(c) (Open Space ("OS")/Open Space Ratio ("OSR")/Lot Coverage ("LC")), 23-45(a) (Front Yard), 23-461(b) (Side Yard), 23-841(Narrow Outer Court) and 25-621(b) (parking).

As described in greater detail within, a variance is required due to a host of unique physical conditions affecting the Premises, most notably the existing narrow and small lot, obsolescence of the existing home, the pre-existing non-complying side yards which makes an as-of-right enlargement impossible and the inapplicability of alternative relief as a result of the existing structures orientation on the site. These unique physical conditions prevent the owner from developing his property in a reasonable manner so as to render the premises habitable for modern day standards.

Location of Premises

The Premises is located at 45 Southgate Court, Brooklyn, New York and is known as Block 7174, Lot 49 on the New York City tax map (see attached). The Site is a rectangular lot located on the corner of Southgate Court and West 1st Street in the Gravesend section of

Brooklyn's Community District #15. The Site is located in an R4 district wherein residential uses are permitted to a floor area ratio of 1.35 under the predominantly built up zoning regulations.

Existing Conditions

The Premises is improved upon with an existing two-family home. The home is located on the northern portion of the lot. There is an existing side yard, parallel to Southgate Court, of 3'-8" and a zero lot line condition along the other side yard, parallel to West 1st Street. The home is also built at the front lot line along West 1st Street. The front yard of the property, and remaining side yard along the Southgate Court lot line, are empty but for a one-car garage located on the southwest corner of the lot. The Premises has an existing floor area of 2,225 square feet and an FAR of .74. The basement level has the living room/dining room, bathroom, kitchen and laundry/boiler room. The first floor has two bedrooms, a bathroom and a living room in conjunction with the cellar use. The remainder of the first floor has a kitchen, bathroom, living room and bedroom. The attic level has two bedrooms and an office in conjunction with the basement and first floor dwelling unit. The existing floor plans are not conducive to modern day living. The small footprint leads to very small rooms and very small floor plans.

As-of-Right Enlargement

Given the orientation of the existing home on the lot, any enlargement to the existing structure would create non-compliance with regards to the narrow court. Therefore, an as-of-right enlargement is not feasible. Furthermore, the home is located in an area designated for the special permit home enlargement pursuant to ZR 73-622. However, the Board does not have the authority to waive the narrow court regulations under that special permit. As such, the special permit is not an available remedy for the Premises.

Proposed Enlargement

The proposed project seeks to convert the existing structure to a single-family, two-story home. The proposed enlargement will be 46'-10" x 26'-8". The proposal would allow the Applicant to make reasonable and productive use of the Premises by enabling them to enlarge the existing structure to accommodate a home that is better suited for modern day families and modern day living.

The proposal would lower the basement level creating a cellar. The proposed home would have an enlarged open cellar. The first floor would have a formal entrance, kitchen with eating area, den, formal dining room, family room and bathroom. The second floor plan would have a master suit, four bedrooms and an additional 2 bathrooms (see Proposed Condition Plans annexed hereto). The proposed home will have a compliant floor area of 3,837.92 (1.28 FAR). The proposed home will have compliant wall height of 24' and a compliant total height of 30'-11" (see BSA Zoning Analysis Form annexed hereto).

As this is a corner lot, the Premises does not have a rear yard requirement, rather any enlargement would be required to provide two side yards, one side yard would have to be a minimum of 5' and the other side yard would have to provide 20'. Additionally, the Premises would be required to provide two front yards, one of 10' and one of 18'.

The existing structure has non-complying side yards. Due to the positioning of the house on the lot, the owner will keep the side yard of 3'-8" along the northern lot line (parallel to Southgate Court). The existing structure currently provides no side yard at the western side of the Premises where the house is located. The owner is proposing to maintain the existing side yard, and provide a 3'-4" side yard as part of the proposed enlargement. The side yard coupled with the existing side yard of the adjacent property provides 8' between the two homes, thereby complying with ZR section 23-461 (c) (required distance between residences).

The existing structure does not provide a front yard along West 1st Street. The owner is proposing to continue that condition for the length of the enlarged home along West 1st Street. The request would provide a front yard of 23' along Southgate Court. This provides a yard measuring 30' x 23' at the corner of Southgate Court and West 1st Street.

Finally, the existing lot has a one-story one-car garage on the lot line parallel with west 1st Street. The proposed project will demolish that structure and leave an open parking space in its place. While this condition is not as-of-right, the Owner seeks to demolish the garage to provide a more open feel to the block and will allow the Owner to have a larger open front yard.

Department of Buildings Objections

Plans have been filed with the Department of Buildings in order to permit the desired enlargement of the existing structure. On January 8, 2016 under, DOB Application Number

320596734, the following objections were issued for the subject premises (see DOB Objection Sheet annexed hereto):

1. Proposed plans are contrary to ZR 23-141(c) in that the proposed lot coverage exceeds the permitted 55%
2. Proposed plans are contrary to ZR 23-141(c) in that the proposed open space ratio (OSR) is less than the required 45%
3. Proposed plans are contrary to ZR 23-461(b) in that the existing minimum side yard is less than the required minimum 5'
4. Proposed plans are contrary to ZR 23-45(a) in that the front yard is less than the required 10'
5. Proposed plans are contrary to ZR 23-841 in that the outer court width is more than its depth.
6. Proposed plans are contrary to ZR 25-621 (b) in that the proposed parking space is located between the street line and street wall.

Waivers Requested

Proposed Lot Coverage and Open Space Ratio contrary to ZR § 23-141(c)

Under the current zoning, the required OS is 1,350 (OSR of 45) and the maximum LC is 55%. The proposed plans request an OS of 1,081 (OSR of 36) and LC of 64%. The requested waivers are necessary to facilitate the proposed enlargement to the Premises. The Premises exists on an undersized zoning lot. The underlying zoning requires a minimum lot size of 3,800 square feet and a lot width of 40'. The Premises is 3,000 square feet and is only 30' wide. The required OS and maximum LC were established contemplating larger lots. As this lot and existing home predate zoning, the undersized lot makes it functionally impossible to enlarge the home in a meaningful manner while still complying with the zoning requirements. Therefore, without the requested waiver, the Applicant would not be able to enlarge the existing structure in a meaningful manner.

Proposed Minimum Side Yard contrary to ZR § 23-461(b)

As mentioned above, as this is a corner lot, the Premises does not have a rear yard requirement, rather any enlargement would be required to provide two side yards, one side yard would have to be a minimum of 5' and the other side yard would have to provide 20'. These bulk regulations contemplate a lot width of 40' and a lot area of 3,800 square feet. The existing home is situated on a pre-existing 30' wide lot with a lot area of 3,000 square feet (see Tax Maps and

Sanborn maps annexed hereto). The existing structure has a non-compliant side yard of 3'-8" and 0" (see Survey and Existing Condition plans annexed hereto). The new addition would be required to leave a side yard of 20'. Given the width of the lot and the required 10' front yard along West 1st Street, without this waiver the home could not be enlarged. Even assuming the required side yard is only 5', that requirement coupled with the required 10' front yard along West 1st Street would still leave an extremely narrow extension (15' exterior wall to exterior wall and approximately 13' on the interior of the home). This enlargement could not accommodate modern living.

Proposed Front Yard Contrary to ZR §23-45(a)

As mentioned above, as this is a corner lot, the Premises does not have a rear yard requirement, rather any enlargement would be required to provide two front yards, one front yard would have to be a minimum of 10' and the other front yard would have to provide 18'. These bulk regulations contemplate a lot width of 40' and a lot area of 3,800 square feet. The existing home is situated on a pre-existing 30' wide lot with a lot area of 3,000 square feet (see Tax Maps and Sanborn maps annexed hereto). The existing structure has a non-compliant front yard of 0" along West 1st Street. (see Existing Condition plans annexed hereto). The enlargement proposal would leave a 23' front yard parallel with Southgate Court. The proposed enlargement is proposing to continue the 0" front yard along West 1st Street. Given the width of the lot and the required 20' side yard parallel with West 1st Street, if the Owner would be required to leave a front yard of 10', the home could not be enlarged. Even assuming the required side yard is only 5', that required 10' front yard along West 1st Street would still leave an extremely narrow extension (15' exterior wall to exterior wall and approximately 13' on the interior of the home). This enlargement could not accommodate modern living.

Proposed Narrow Court Contrary to ZR §23-481

Given the existing structure's orientation on the lot, any enlargement to the structure creates a court. The district regulations require that the width of any court be equal to the depth of said court. As such, a 5' enlargement to the home towards Southgate Court requires a 5' wide side yard. A 10' enlargement would require a 10' side yard. This requirement, coupled with the narrowness of the existing lot, makes any enlargement to the home impractical without the

requested waiver. Additionally, but for this regulation, the owner could potentially enlarge the existing structure by taking advantage of the Special Permit available to homes in this community district. However, since the Special Permit does not give the Board the authority to waive the court regulations, the Special Permit is not available and a Variance is necessary.

Proposed Parking Space Contrary to ZR §25-621(b)

The existing home has a one-car garage located between the street line and street wall of the home. This is a pre-existing non-compliant condition. In an effort to provide an open front yard, the Owner wishes to demolish the garage structure. However, in doing so, the Owner would no longer have the required parking space. Ordinarily, corner lots will provide a parking space in the 20' side yard that is required. However, given the orientation of the existing home, the Owner cannot provide that 20' side yard. Therefore, the Owner seeks to maintain the parking space in its current location. Given the orientation of the existing home, and the width of the lot, there is no feasible way to provide this parking space without the requested waiver.

REQUIRED FINDINGS ZR SECTION 72-21

The Board may grant a variance in the application of the provisions of the ZR, provided that as a condition to the grant of any such variance, the Board shall make each and every one of the required findings set forth in Section 72-21. We submit that the five findings are met as follows:

(a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;

As stated above, a variance is required due to a host of unique physical conditions, which affect the Premises, most notably the existing narrow and small lot, the obsolescence of the existing home and the orientation of the existing home. All of which make an as-of-right enlargement, and an enlargement pursuant to ZR section 73-622, impossible. These unique

physical conditions prevent the owner from developing his property in a reasonable manner so as to render the premises habitable for modern day standards.

The existing home was constructed in or about 1920. The home has existed in its current orientation since that time. When the home was built, the structure was situated so as to provide a 30' x 30' box at the northern portion of the lot, leaving a 30' x 70' open space on the remainder of the lot. The orientation of the existing home is unusual in its placement on the lot. Whereas virtually every home in this neighborhood is oriented towards the front (closer to the street) half of the lot, the home on the Site is located towards the center of the block, in what would ordinarily be termed it's side yard, and within the required front yard along West 1st Street. Additionally, the Premises has an accessory garage located in the south half of the lot. In essence, the arrangement of the lot is the reverse of what is normal in the area.

Subsequent to the construction of the home, the ZR was established and implemented a 40' lot width requirement, a 3,800 square foot lot area requirement, a 10' and 18' front yard requirement, a 5' side yard requirement and a 20' side yard requirement. These requirements made the existing structure non-compliant.

Under the current zoning, the required OS is 1,350 (OSR of 45) and the maximum LC is 55%. The proposed plans request an OS of 1,081 (OSR of 36) and LC of 64%. The requested waivers are necessary to facilitate the proposed enlargement to the Premises. The Premises exists on an undersized zoning lot. The underlying zoning requires a minimum lot size of 3,800 square feet and a lot width of 40 feet. The Premises is 3,000 square feet and is only 30 feet wide. The required OS and maximum LC were established contemplating larger lots. As this lot and existing home predate zoning, the undersized lot makes it functionally impossible to enlarge the home in a meaningful manner while still complying with the zoning requirements.

As mentioned above, as this is a corner lot, the Premises does not have a rear yard requirement, rather any enlargement would be required to provide two side yards (5' and 20'). Additionally, any enlargement would be required to provide two front yards (10' and 18'). These bulk regulations contemplate a lot width of 40' and a lot area of 3,800 square feet. The existing home is situated on a pre-existing 30' wide lot with a lot area of 3,000 square feet (see Tax Maps and Sanborn maps annexed hereto). The existing structure has a non-compliant side yard of 3'-8" and 0" and a non-compliant front yard of 0" along West 1st Street (see Survey and Existing Condition Plans annexed hereto). The enlargement proposal would leave a 23' front yard parallel

with Southgate Court. The proposed enlargement is proposing to continue the 0" front yard along West 1st Street. The new addition would be required to leave a side yard of 20'. Given the width of the lot and the required 10' front yard along West 1st Street, without this waiver the home could not be enlarged. Even assuming the required side yard is only 5', that requirement coupled with the required 10' front yard along West 1st Street would still leave an extremely narrow extension, 15' exterior wall to exterior wall and approximately 13' on the interior of the home, to the existing home which could not accommodate modern living.

Given the orientation of the existing home on the lot, any enlargement to the existing structure would create non-compliance with regards to the narrow court. Therefore, an as-of-right enlargement is not feasible. Furthermore, the home is located in an area designated for the special permit home enlargement pursuant to ZR 73-622. However, the Board does not have the authority to waive the narrow court regulations under that special permit. As such, the special permit is not an available remedy for the Premises.

The existing home has a one-car garage located between the street line and street wall of the home. This is a pre-existing non-compliant condition. In an effort to provide an open front yard, the Owner wishes to demolish the garage structure. However, in doing so, the Owner would no longer have the required parking space. Ordinarily, corner lots will provide a parking space in the 20' side yard that is required. However, given the orientation of the existing home, the Owner cannot provide that 20' side yard. Therefore, the Owner seeks to maintain the parking space in its current location. Given the orientation of the existing home, and the width of the lot, there is no feasible way to provide this parking space without the requested waiver.

The physical conditions, which lead to the instant request, are unique to this property. As can be seen from the attached uniqueness study diagram, the Premises is the only lot within 400' that is oriented on the lot the way that the existing structure is. This fact alone makes this property unique. The waivers requested and the hardships mentioned above, directly tie to the orientation of the home and the inability of the owner to enlarge the existing structure within the limits of the underlying zoning.

Furthermore, as can be seen from the uniqueness study, there are 19 other corner lots (excluding the Premises) within a 400' radius.

As indicated on the attached table, 6 of the 19 other corner lots in the area are substantially larger or wider than the Premises. Furthermore, in the R4 district, semi-detached

and attached homes are permitted. However, for detached homes two side yards totaling 13 feet are required. In practice, how severely any lot is impacted by the side yard requirement has in part to do with the condition of the adjacent lot. If your neighbor is a zero lot line building, you are allowed to join them, substantially easing the burden of complying. (Unfortunately, the properties adjacent to the Site are not zero lot line buildings.) As indicated on the attached table, 7 of the 19 other corner lots in the area are improved upon with semi-detached building that are only required to provide one side yard.

Additionally, in the area where the Premises is located a commercial overlay is mapped along Avenue X (from East 3rd Street to McDonald Avenue). In the C1-2 district, the first and second floor (up to 1.0 FAR) can contain commercial use. And, more pertinent to this discussion, need not provide the same required yards as in the pure R4 district. Specifically, they need not provide either front yards, or side yards. As indicated on the attached table, 8 of the 19 other corner lots in the area are located in the C1-2 district.

Finally, one way in which a property could be alleviated from the hardship of strictly complying with the R4 yard requirements if it is already substantially overbuilt. Such buildings cannot be enlarged by right. And, are at a substantial advantage; in essence these buildings are even larger (in terms of FAR) than the applicant is proposing to be. As indicated on the attached table, 12 of the 19 other corner lots in the area are improved with buildings exceeding the allowable FAR.

The problem, so to speak, with the Site is that it enjoys none of these four advantages. Of the 19 other corner lots in the area, there is just one that shares similar lot conditions with the Premises. That is the home/property at 336 Avenue W (Block 7175, Lot 10) which is improved upon with a two-story detached single-family home. However, that home/property is sufficiently different in that it is located on a much more narrow lot (18.83 feet wide) and has a site that is arranged in a normal manner, with the home towards the front (shorter dimension) of the lot and the accessory garage to the rear of the home.

Based upon the above, the physical attributes of the Premises combine to establish the existence of the unique physical conditions that fully meet the requirements of Zoning Resolution Section 72-21(a) and support the grant of the variance requested for the subject zoning lot.

(b) that because of such physical conditions there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization;

As this is a proposed single-family home, this finding is not applicable.

(c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

The proposed variance will not alter the character of the neighborhood, nor impair the future use or development of the surrounding area. The proposed enlargement will have complying FA and FAR and a complying front yard along Southgate Court. The proposed wall and building height are also compliant with the district regulations.

While this is a variance application, the requested waiver of lot coverage and open space is consistent with the open space and lot coverage, which has been granted by the Board for special permit applications in the R4 zoning district within this Community District.

Additionally, as can be seen from the attached LC study, the proposed LC is consistent with the other corner lots within a 400' radius. Specifically, the property located at

The existing structure was built at about 1920. The non-compliant side yards have existed since then. These non-compliances are part of the fabric of the community character. The requested front yard waiver is a straight-line extension of the existing front yard. Therefore, the enlargement will maintain the character of the home and neighborhood.

A Majority of the homes provide less than the required side yards. Many of the surrounding homes combine their side yard with their neighbors to achieve the required distance between houses and are often used as a shared driveway (see attached Photographs and Streetscape Montage). While the proposed 3'-4" side yard will not be used as a driveway, the distance between the homes is in keeping with the neighborhood character.

Given the above, it is clear that the proposed use and density fit well within the character of the surrounding neighborhood and fully meet the requirements of Zoning Resolution Section 72-21(c) and support the grant of the variance requested for the Premises.

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a

variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

The unnecessary hardship attributed to strict application of the zoning regulations to the subject property was not caused by the owner of the Premises nor a predecessor in interest, but is a result of historical home dimensions and is inherent to the site. Absent relief from this Board, nothing can reasonably be done with respect to developing the Premises.

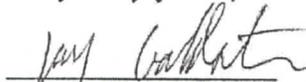
(e) that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.

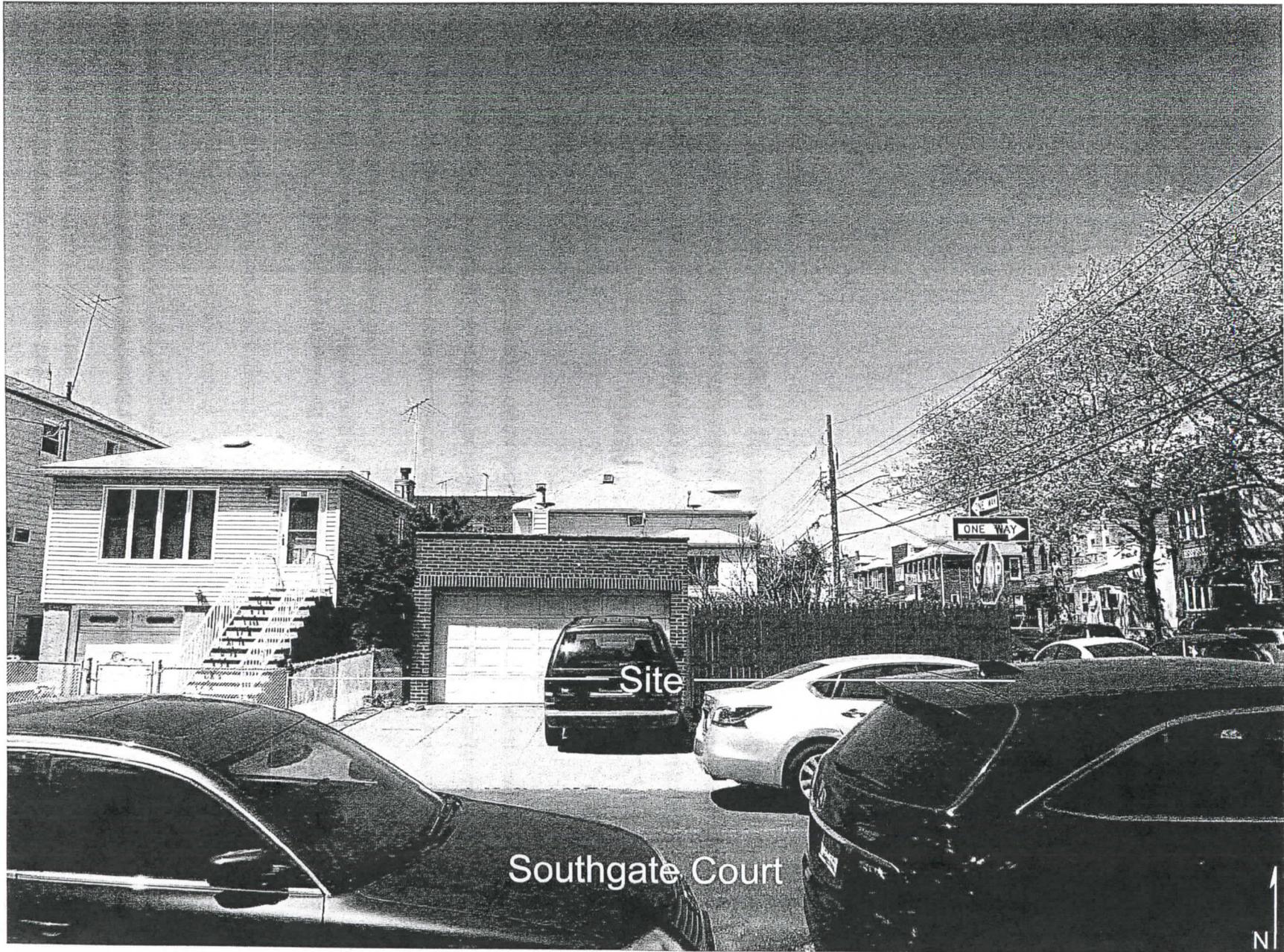
The extent of the variance requested is no greater than is necessary to provide reasonable relief. The subject site is uniquely suited for the requested variance and the requested relief will enable the owner to improve the property with a building that can he can use and enjoy with his family.

Conclusion

The proposed variance would enable the owner to make reasonable, productive use of the Premises, while creating a development that compliments the character of the existing buildings on the subject block. Based on the above, we respectfully request that the Board grant the variance proposed herein.

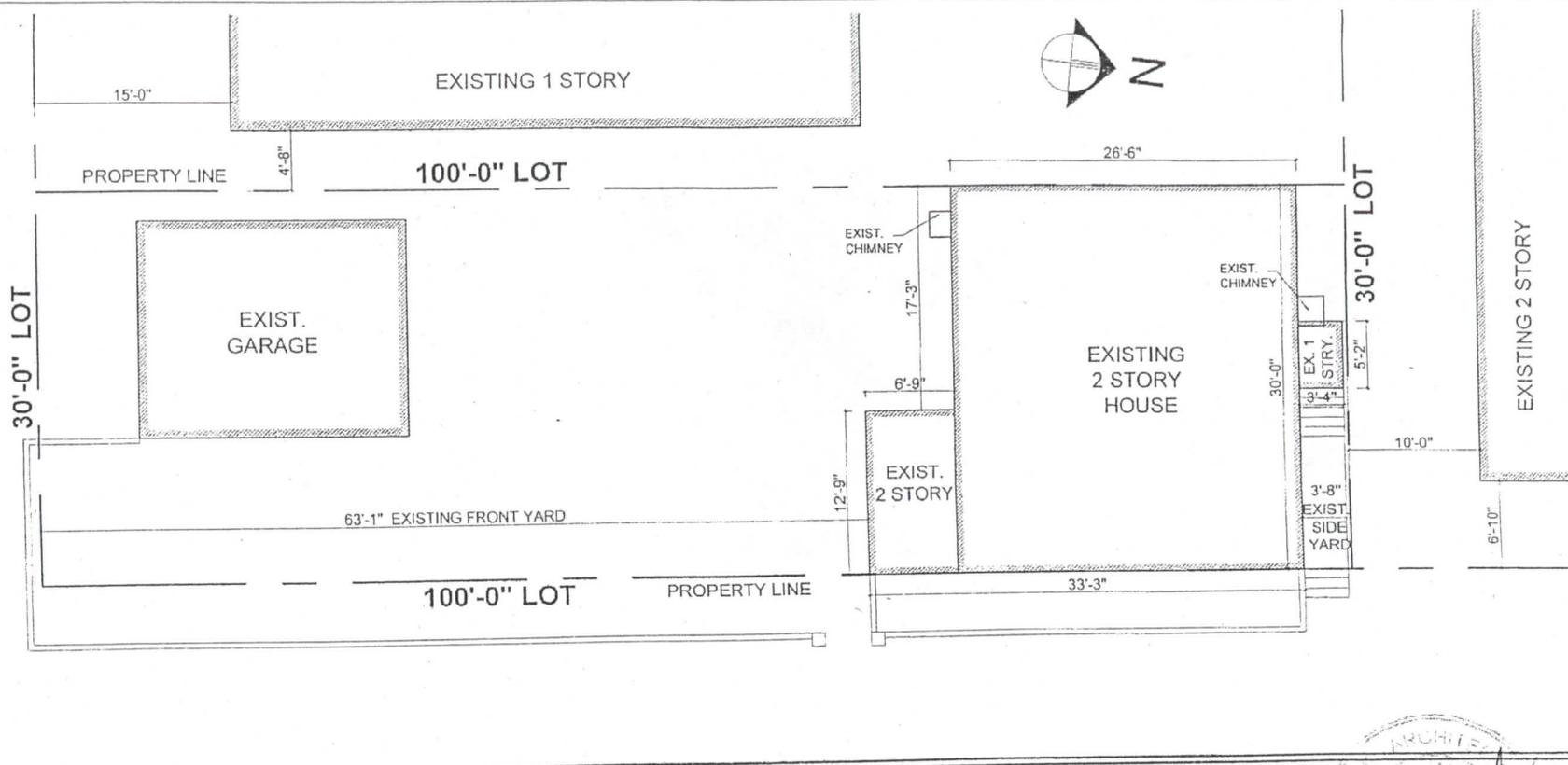
Very truly yours,


Jay Goldstein





SOUTHGATE COURT (50'-0" WIDE)

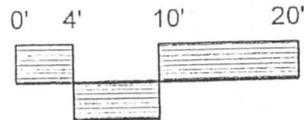


WEST 1st. STREET (60'-0" WIDE)

PLOT PLAN
SCALE: 3/32" = 1'-0"



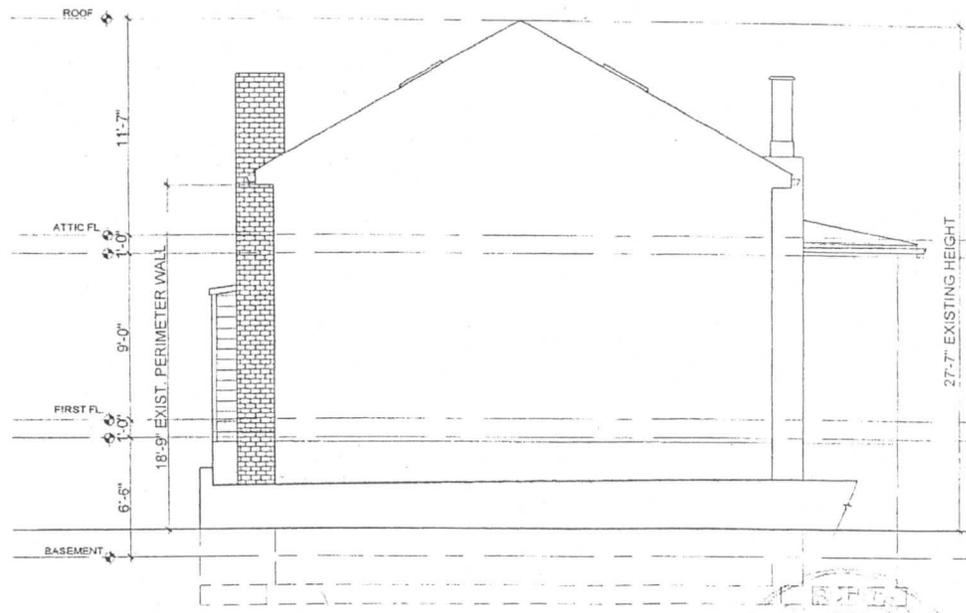
	TOTAL SQUARE FOOTAGE
BASEMENT	881.06 S.F.
FIRST FLOOR	881.06 S.F.
ATTIC	463.24 S.F.
TOTALS	2,225.36 S.F.
F.A.R.	0.74



LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT N.Y. REG. NO. 025123 2919 AVENUE J BROOKLYN, NEW YORK 11210 TEL 718-951-6551	Revisions	EXISTING CONDITION BLOCK: 7174 LOT: 49 45 SOUTHGATE COURT BROOKLYN, N.Y. 11223	Drawing No EX-1
		PLOT PLAN	Scale AS SHOWN Date 07/28/15 Drawn RML Job No. 14-042



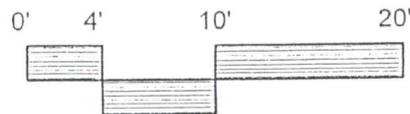
FRONT ELEVATION WEST 1st ST.
SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

Professional seal and signature of Lewis Eliezer Garfinkel, R.A. Architect. The seal is circular and contains the text 'LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT' and 'NEW YORK STATE'. The signature is written in cursive over the seal.

BSA CALENDAR #



LEWIS ELIEZER GARFINKEL, R.A.
ARCHITECT

NY REG NO. 025123
2919 AVENUE J
BROOKLYN NEW YORK 11210
TEL. 718-851-6551

Revisions

EXISTING CONDITION

BLOCK: 7174 LOT: 49
45 SOUTHGATE COURT
BROOKLYN, N.Y. 11223

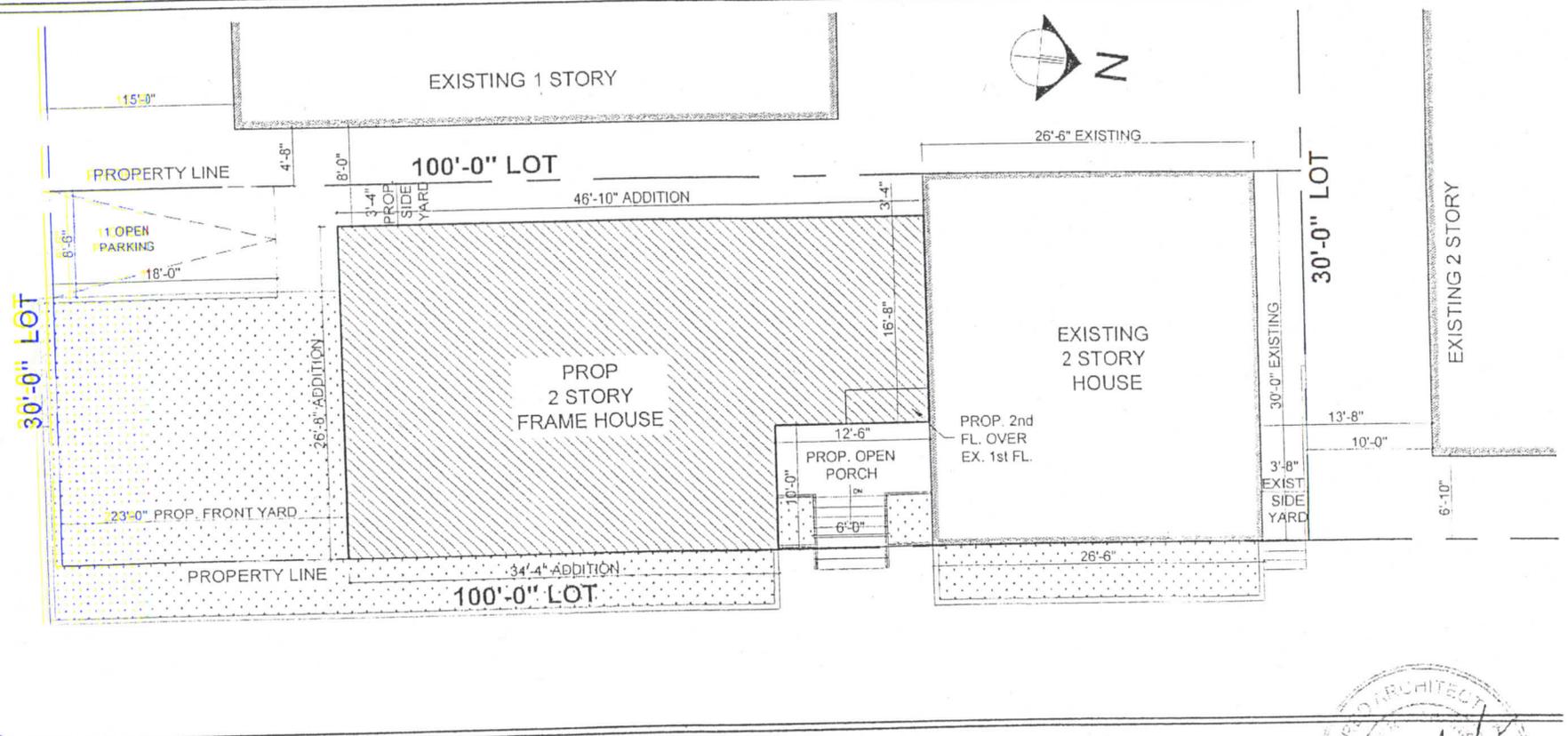
ELEVATIONS

Drawing No. EX-6

Scale AS SHOWN
Date 07/28/15

Drawn RMI
Job No. 14-042

SOUTHGATE COURT (60'-0" WIDE)

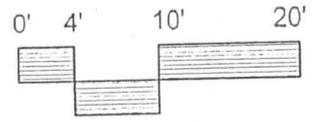


WEST 1st. STREET (60'-0" WIDE)



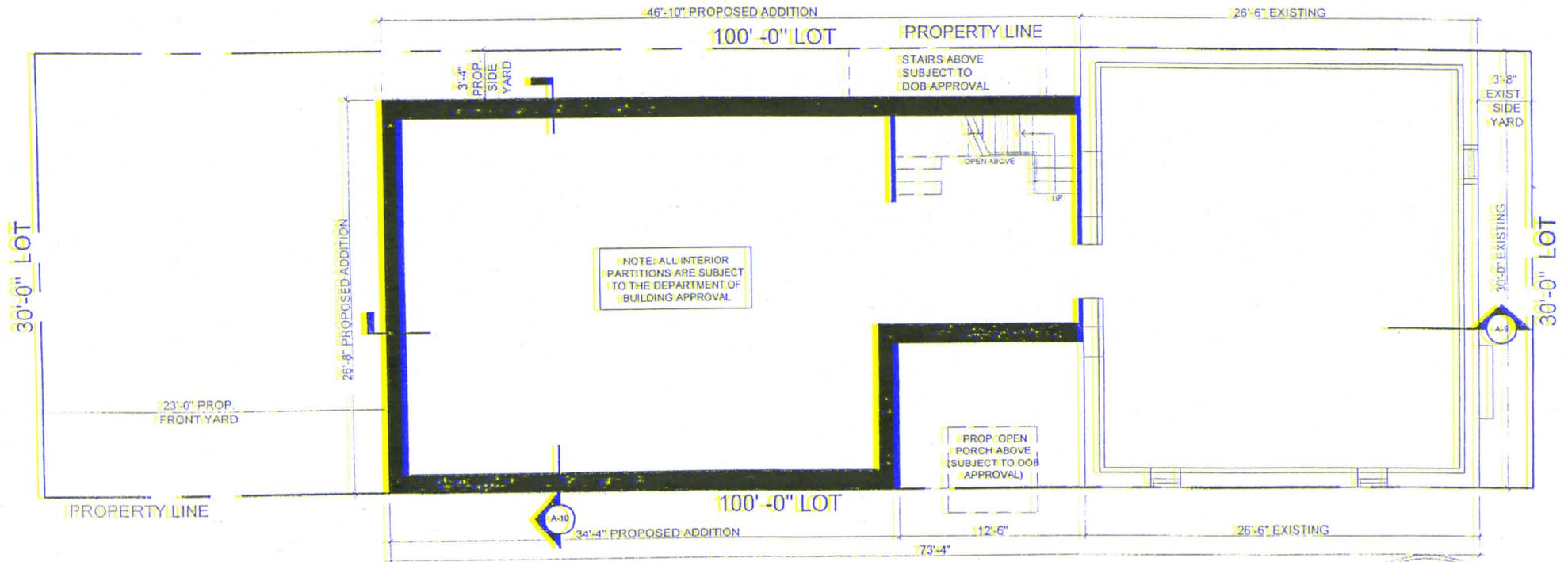
BSA CALENDAR #

	TOTAL SQUARE FOOTAGE
CELLAR	00.00 S.F.
FIRST FLOOR	11,918.96 S.F.
SECOND FLOOR	11,918.96 S.F.
TOTALS	23,837.92 S.F.
F.A.R.	11.28



PLOT PLAN
SCALE: 3/32" = 1'-0"

LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT N.Y. REG. NO. 025123 2919 AVENUE J BROOKLYN, NEW YORK 11210 TEL. 718-951-6551	Revisions	PROPOSED ALTERATION BLOCK 7174 LOT. 49 45 SOUTHGATE COURT BROOKLYN, N.Y. 11223	Drawing No. A-1 Scale AS SHOWN Date 05/3/15 Drawn RML Job No. 14-042
		PLOT PLAN	

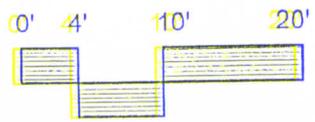


CELLAR FLOOR PLAN
SCALE: 1/8" = 1'-0"

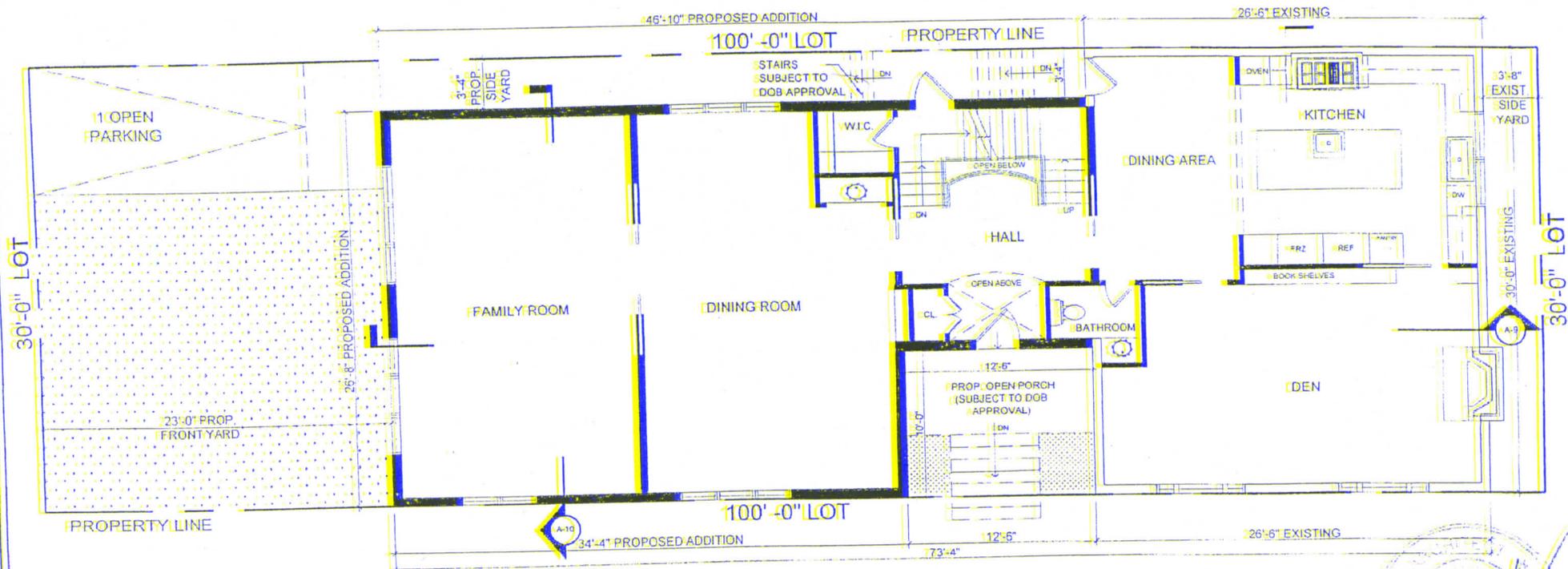


BSA CALENDAR #

LEGEND	
NEW CONSTRUCTION	
EXIST. CONSTRUCTION	



LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT N.Y. REG. NO. 0025123 2291 9 AVENUE J BROOKLYN, NEW YORK 11223 TEL. 718-961-6561	Revisions	PROPOSED ALTERATION BLOCK 7174, LOT 49 45 SOUTHGATE COURT BROOKLYN, N.Y. 11223	Drawing No. A-2 Scale: AS SHOWN Date: 06/3/15 Drawn: TRM Job No. 114-042
		CELLAR PLAN	

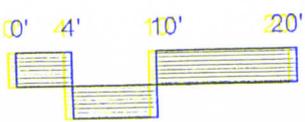


FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



EBSA CALENDAR #

LEGEND	
NEW CONSTRUCTION	
EXIST. CONSTRUCTION	



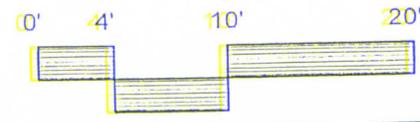
LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT NY REG. NO. 025123 2819 AVENUE J BROOKLYN, NEW YORK 11210 TEL. 778-951-6551	Revisors	PROPOSED ALTERATION BLOCK 7174, LOT 49 445 SOUTHGATE COURT BROOKLYN, N.Y. 11223	Drawing No. A-3 Scale: A.S. SHOWN Date: 08/29/15 Drawn: JRM Job No.: 144-042
		FIRST FLOOR PLAN	



FRONT ELEVATION SOUTHGATE COURT
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BSA CALENDAR #

LEWIS ELIEZER GARFINKEL, F.R.A. ARCHITECT 209 S AVENUE J BROOKLYN, NEW YORK 11210 TEL: 718-561-8551	#Revisions	PROPOSED ALTERATION BLOCK 7174, LOT 49 445 SOUTHGATE COURT BROOKLYN, N.Y. 11223	Drawing No A#6 Scale - AS SHOWN Date - 08/31/15 Drawn - ERM Job No.
		FRONT AND SIDE ELEVATION	14-042

PROPERTY LINE

PROPERTY LINE

35'-0" BUILDING HEIGHT (MAX AS PER Z.R. 23-631(b)(1))
30'-11" PROP. BUILDING HEIGHT

24'-0" PROPOSED PERIMETER WALL HEIGHT
3'-8" EXIST. SIDE YARD

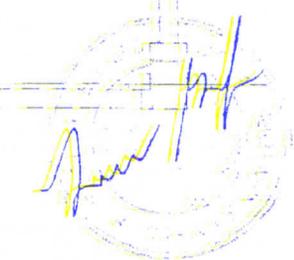
23'-0" PROP. FRONT YARD

BASE PLANE

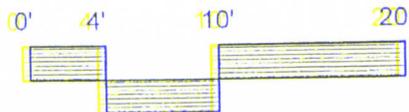
CELLAR



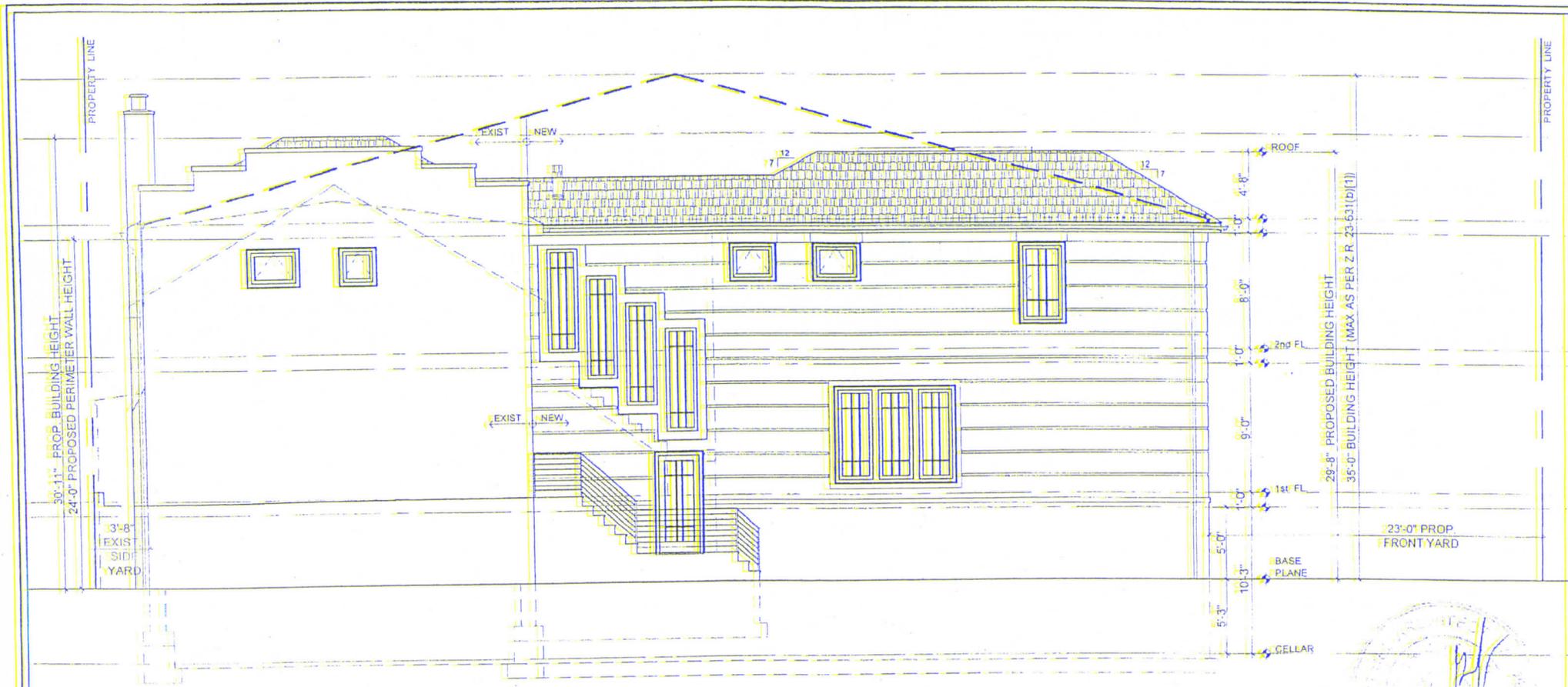
FRONT ELEVATION WEST 1st. STREET
SCALE: 1/8" = 1'-0"



BSA CALENDAR #

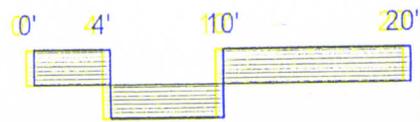
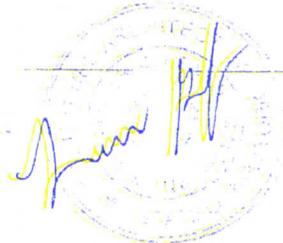


<p>LEWIS ELIEZER GARFINKEL, F.A. ARCHITECT</p> <p>NY REG. NO. 0225123 22919 AVENUE J BROOKLYN, NEW YORK 11210 TEL 718-951-8551</p>	<p>Revisions</p>	<p>PROPOSED ALTERATION</p> <p>BLOCK 1174, LOT 49 145 SOUTHGATE COURT BROOKLYN, N.Y. 11223</p> <p>FRONT ELEVATION</p>	<p>Drawing No. A-7</p> <p>Scale: AS SHOWN</p> <p>Date: 08/3/15</p> <p>Drawn: JRM</p> <p>Job No. 14-042</p>
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LEFT SIDE ELEVATION

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



<p>LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT</p> <p>N.Y. REG. NO. 025123 22619 AVENUE J BROOKLYN, NEW YORK 11210 TEL. 718-651-6531</p>	<p>Revisions</p>	<p>PROPOSED ALTERATION</p> <p>BLDG# 7174, LOT 49 445 SOUTHGATE COURT BROOKLYN, N.Y. 11223</p> <p>LEFT SIDE ELEVATION</p>	<p>BSA CALENDAR #</p> <p>Drawing No. A-9</p> <p>Scale: AS SHOWN</p> <p>Date: 08/31/15</p> <p>Drawn: RML</p> <p>Job No. 114-042</p>
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