



CITY OF NEW YORK
BOARD OF STANDARDS AND APPEALS
40 Rector Street, 9th Floor
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<http://www.nyc.gov/html/bsa/>

DETAILED INSTRUCTIONS FOR COMPLETING APPEALS APPLICATION

The administrative Appeals Calendar shall consist of appeals from any order, requirement, decision or determination of the Commissioner of Buildings, any Borough Superintendent of the Department of Buildings, the Fire Commissioner, or the Commissioner of the Department of Small Business Services, concerning any rule or regulation relating to the construction, alteration, demolition, structural changes, equipment, occupancy or use of any building or structure or premises under the New York City Charter, the General City Law, the Labor Law, the Multiple Dwelling Law or any other law under which the Board has jurisdiction, including appeals involving the interpretation of the Zoning Resolution.

Interpretations of the Zoning Resolution shall have general application and be binding on all affected agencies unless specifically limited by the Board. Information regarding the filing of an Appeals application may be obtained by contacting the Application Desk at (212) 788-8500 or by calling the Appeals Examiner at (212) 788-8752.

The Appeals Application Form must be signed by the property owner or authorized representative of the owner, affirming that all statements contained within the Application Form and attached materials are true. The Application Form must also be notarized by a notary public, pursuant to all applicable notary laws.

Submit one (1) original and eight (8) copies of the completed Appeals Application Form, typewritten and legible, with all required attachments, to the Board. Also, submit one (1) set to the Board's New York City Fire Department liaison. Each packet, original and copies, should contain the required attachments. One application is required for each separate property.

APPEALS Application Form

Section A: Indicate the applicant's name and address, the name and address of the owner of record and the lessee / contract vendee of the property, if applicable. List the telephone number where an examiner may reach the applicant during business hours should questions arise concerning the application.

Section B: The exact location of the subject premises must be specified. This section should be completed as indicated in the following example:

“Premises is situated on the west side of Fifth Avenue, 100 feet north of the corner formed by the intersection of X Street and Fifth Avenue.”

Include the block number and lot number(s), the street and house number, the borough and the community board district within which the premises are located. If the property in question is located in the borough of Queens, the name of the neighborhood should be included as follows: "Borough: Woodside, Queens". If the site is located within the boundaries of two Community Boards, both should be listed here. In addition, the applicant should note if the premises are identified by another address (A/K/A).

If a Certificate of Occupancy has been issued for these premises, please state the number, and attach a copy to this application. Give the Zoning District that the premises is located within and provide the number of the map section as it appears in the New York City Zoning Resolution. Also, please indicate the City Councilmember whose district the premises is located within.

Section C: Fill in the date of the denial upon which this Appeals application is being made and indicate the application number under which the plans were originally filed at the Department of Buildings or Department of Small Business Services.

Section D: Provide a brief description of the appeal, and check off whether the proposal is a legalization.

Section E: This section requires the applicant to list any previous Board cases, other pending applications before any other government agency or any court action regarding the premises. Copies of all previous Board Resolutions should be attached and explained in the statement of facts as well as any other pending governmental agency applications and court actions.

Attachments for Appeals Applications

1. A **Statement of Facts**, on letterhead signed by the applicant, should be submitted containing a description of the appeal and/or proposed development. Include the Calendar Number and Premises Affected at the top of the Statement.
2. The applicant is required to sign the application and have his or her signature notarized. The **Affidavit of Ownership** must be completed by the fee owner and be notarized. One copy of the Affidavit of Ownership should be attached to This section is where the owner authorizes the applicant to file the application on his or her behalf. If the application is filed by a contract vendee, the contract vendee may complete the Affidavit of Ownership.
3. Provide the Agency **Final Determination Letter/Objection** on which the application seeks to appeal.
3. When **Photographs** are relevant or requested by the Board, submit eight (8) stapled sets of unmounted 8" x 10" photographs. On the front of each photograph, number each view, print street names, show compass points and outline the premises. On the back of

each photograph, indicate the photographer's name and address, the date the photographs were taken and the Calendar number. All views should be taken from points near the premises. The photographs must be unobstructed, show the entire height of the buildings and should include at least a small portion of the premises or indicate by an arrow the relative location of the premises. For further information regarding the submission of photographs, please contact the Board's Appeals Examiner.

4. **Drawings/Plans**, when relevant, should be 8½" x 11". If necessary for legibility, drawings up to 11" x 14" will be accepted. They must be dimensioned, drawn to scale, and bear the seal of a registered architect or licensed professional engineer. Indicate the Calendar number on the back of each sheet.

For applications made pursuant to General City Law Sections 35 and/or 36, in addition to all of documents listed above submit:

For GCL 35 Applications, submit **ten (10) sets of all papers/plans**

For GCL 36 Applications, submit **eight (8) sets of all papers/plans**

5. Copy of the appropriate **Zoning Map** and indicate the site's location on the map.
6. Copy of a **Tax Map** indicating the subject tax lot.
7. Copy of a **Survey Map** indicating the site's location.
8. Complete set of **BSA Zoning Calculations**, which detail the existing, proposed and legal conditions. Depending on the nature of each application, a Quality Housing Analysis or Signage Analysis may also be required.

All Zoning Calculations must be signed and sealed by a registered architect or a professional engineer.


9. A **Radius Diagram**, drawn to a scale of 100 feet to 1 inch on sheets not to exceed 11" by 17" in size, must be attached to this application. The radius diagram must clearly show the following:
 1. The use and height, in stories, and type of construction of all properties within a radius of 400 feet from the center of the plot which is the subject of the application. (If the site is greater than 40,000 square feet or has greater than a 300 foot frontage, a 200 foot radius from each corner of the site must be used). On all applications for lots containing separately owned one, two or three family dwellings, and on applications for special permits with lot area less than 40,000 square feet, the area of notification is 200 feet from the center of the lot.
 2. All block numbers must be blocked (i.e. printed) within a rectangle, for example:

4624

 3. All lot numbers must be circled, for example:

61

4. The frontage and the depth of all lots, rounded to the nearest foot, must be marked within the building line.
5. All house numbers must be marked outside of the building line.
6. Street names must be indicated.
7. Street widths must be indicated (property line to property line).
8. Compass points must be indicated.
9. The point at which each photograph submitted as part of this application was taken by should be indicated with a circle with an arrow showing the direction in which the camera faced (see legend below).
10. Explanatory Legend:

III	Story Height
MD	Multiple Dwelling
D	Dwelling
R	Retail
G	Garage
C	Commercial
I	Industrial
M	Manufacturing
W	Warehouse
	Camera Position

Radius diagrams must show the zoning district boundaries, dimensioned, labeled and distinctly color coded as follows:

- Orange for Residential Districts
- Red for Commercial Districts
- Light Green for Manufacturing Districts

If a land use survey is required it should be distinctly color coded as follows:

- Yellow for Residential Uses
- Red for Commercial Districts
- Purple for Manufacturing/Industrial Uses
- Blue for Community Facility Uses
- Grey for Vacant Land
- Green for Open Space

10. **Plans**

A set of existing and proposed plans must be filed with this application

Note: If any of the above conditions are exactly the same, one set of plans showing those conditions is acceptable if labeled properly. For example, if the application is a legalization and the proposed conditions are identical to the existing conditions, you may provide one set of plans labeled existing/proposed conditions. If the existing and proposed conditions differ in any way, two full sets of plans are required.

All drawings submitted shall be properly titled, numbered, dimensioned, dated, drawn to scale and conform with the following directions. No drawing shall be accepted unless it bears a legible seal and the signature of a registered architect or licensed professional engineer. No drawing shall be accepted if it is illegible or unreadable due to poor drafting quality or excessive reduction or reproduction. All drawings and other exhibits, unless otherwise accepted by the Executive Director, shall be on sheets 8½x11 inches; sheets 8½x14 inches or 11x17 inches are acceptable if folded to 8½x11 inches.

A complete set of plans for the proposed and existing conditions must include the following items:

Plot Plan/Site Plan

Fully dimensioned and to scale (with a graphic scale).

Detail landscaping, including street trees.

Indicate size and location of all curb cuts.

Show the dimension of sidewalks.

Show the location, and access route to all FDNY fire hydrants

Indicate all outstanding topographical features.

Indicate legal, existing and finished grades.

Show any parking layouts, including the number of spaces and all loading areas.

Indicate compass points.

Indicate address and lot numbers.

11. The applicant must submit a **List of Affected Property Owners and Tenants** with the names and addresses of the owners of record of all property shown on the radius diagram, listing each owner by block and lot. The list must include all residential, commercial and industrial tenants of record of the property which is the subject of this application. Names and addresses of owners may be obtained from the City Collector's Office or from the City Register. The list of affected property owners (and tenants, if applicable) must include the source and date of the list and be notarized. In all cases, the list provided must show the names of the actual property owners with legal title, rather than mortgagees. For further information regarding Affected Property Owners and Tenants please consult the Board's Rules of Practice and Procedures §1-07.

Corrections must be made and /or superseding documents submitted in person by the applicant. Corrections must be initialed and dated. Superseding documents must be stapled in place of the old material which must be removed from each set, marked "VOID," initialed, dated, stapled together and left in the folders.

Notification Requirements

A copy of each administrative appeal application, including all supporting materials, shall be forwarded by the applicant, immediately upon filing with this Board, to the administrative official from whose determination the appeal is made. A copy of each administrative appeal application involving the interpretation of the Zoning Resolution, including all supporting documents, shall be forwarded by the applicant, within three days of filing, to the legal counsel of the Department of Buildings and the City Planning Commission. Proof of service shall be provided to this Board within ten (10) days of the initial filing in accordance with §1-03(f) of those rules.

Any person or agency authorized to make an Appeal by §666(6) of the New York City Charter or other applicable law, who is not the owner of the property subject to the determination from which the appeal is made, shall immediately upon filing such appeal with the Board, forward a copy of the appeal form and all supporting documents to the owner of the subject property. The applicant shall submit proof of service to the Board within ten (10) days of the initial filing, in accordance with §1-03(f) of these rules. See §1-07 of the BSA Rules for further requirements.