



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD No. 4**

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**WALTER MANKOFF**  
Chair

**ANTHONY M. BORELLI**  
District Manager

May 10, 2005

Hon. Meenakshi Srinivasan  
Chair  
Board of Standards and Appeals  
40 Rector Street, 9th floor  
New York, NY 10006

**Re: BSA Cal. No. 15-05-BZ Variance for height at 209 West 20<sup>th</sup> Street**

Dear Chair Srinivasan,

The applicant gave a presentation of this application at a meeting of the Chelsea Preservation and Planning Committee on April 8, 2005, and later at a duly noticed public hearing immediately before the regular meeting of Community Board No. 4 on May 4 following. The Board voted to disapprove the application: 31 in favor, 2 opposed, 0 abstaining and 0 present but not eligible to vote.

The proposed seven-story building would fit within the use, bulk, and height requirements of the mapped zoning of R8-B if the 25-foot width of the lot did not subject it to the narrow-lot or "sliver" requirements of Z.R. Sec. 23-692. The excess height being applied for, however, is the minimal amount of four feet, nine inches. The proposed building would fit in the scale and character of the block and, since the building to the west has seven stories, would not stand out awkwardly as a true sliver building would.

The Board cannot, however, support the claim of uniqueness and hardship for the site. The 25-foot width was the original standard residential lot foreseen in the Commissioners' Plan, and is common in the area and in this block. Groups of such lots were historically often divided into even narrower lots, and many such still are found in Chelsea. The shallowness of the lot is shared with many lots close by on the north side of the street in this block because of the angle of the rear lot lines to the street, which presumably reflects the course of an early lane a little to the north variously called "Abingdon Road" or "Love Lane." The claim that the former existence on the site of a plain vanilla one-story building, demolished a few months ago, creates a hardship seems on the face of it implausible, since such a claim would appear to justify variances on most building sites in the city. A similar lot a little to the west has a one-story building on it.

The claim for economic relief is based on an analysis of rental options alone for a conforming building and for the proposed structure. The interior layout, which appeared inefficient, seemingly also reflected the choice of rental tenancy. The applicant was asked at the committee meeting why there was no analysis of the condominium alternatives that are now rife in Chelsea

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and are generally considered the most profitable ones. Condominiums were, for example, chosen on a BSA application at 132 West 26<sup>th</sup> Street that was currently also before the Board. The applicant responded that he was in the business of creating and holding rental properties. A representative of the owner claimed at the public hearing that condominiums in this location would not be marketable without greater ceiling heights that would necessitate a greater variance. The Board requests that these issues be carefully examined.

The Board notes further that the building is currently under construction. Not only was the previous building on the site demolished some time ago, but a foundation has also been dug and construction has proceeded behind a netting apparently as far up as exterior completion of the fifth floor. No work seems to have taken place in the last few days. Building permits are prominently displayed, including one for a seven-story residential building approved on 10/28/03 and renewed on 03/02/05. The applicant stated at the hearing that these permits were granted in error and that appropriate permits were being obtained.

Given these issues, this Board recommends denial of the variance.

Sincerely,



Walter Mankoff  
Chair  
Manhattan Community Board No. 4



Lee Compton  
Co-Chair  
Chelsea Preservation & Planning Committee



Edward S. Kirkland  
Co-Chair  
Chelsea Preservation & Planning Committee

cc: Hon. Michael Bloomberg, Mayor  
Hon. C. Virginia Fields, Manhattan Borough President  
Local elected officials  
Applicant c/o Lori Cuisinier, Friedman & Gotbaum LLP  
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