

101-92-BZ

APPLICANT - Sheldon Lobel, P.C., for Portrem Realty Co., owner.

SUBJECT - Application August 13, 2003 - reopening for an extension of term of variance which expired October 26, 2003.

PREMISES AFFECTED - 68-98 E. Burnside Avenue (aka 2036 Walton Avenue and 2035 Morris Avenue) south side of East Burnside Avenue, between Walton Avenue and Morris Avenue, Block 2829, Lot 45, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application re-opened and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 10, 2004, after due notice by publication in The City Record, with continued hearings on March 23, 2004 and April 13, 2004 and then laid over to April 27, 2004 for decision; and

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance which expired on October 26, 2003; and

WHEREAS, on May 7, 1957, under calendar number 754-56-BZ, the Board granted an application to permit the use of a parking lot for non-commercial, non-transient parking; and

WHEREAS, the variance was subsequently extended for five year terms, under calendar number 754-56-BZ, on January 9, 1962, February 15, 1967, and May 2, 1972; and

WHEREAS, the variance subsequently lapsed, but the applicant represents that the lot was used for non-commercial, non-transient parking as per the prior Board grant on a continuous basis even after the lapse; and

WHEREAS, on October 26, 1993, the Board granted an application under the current calendar number to permit renewal of an expired variance for the use of the parking lot for non-commercial, non-transient parking, for a period of ten (10) years; and

WHEREAS, the applicant represents that the lot is used for parking of employees and patron's cars,

without charge and for parking by other persons in the neighborhood who desire such parking; and

WHEREAS, the applicant currently seeks to extend the term of this variance for an additional ten (10) years; and

WHEREAS, in accordance with the license issued by the Department of Consumer Affairs, the applicant has agreed to limit the number of parking spaces on the site to no more than twenty five (25).

Resolved, that the Board of Standards and Appeals, reopens and extends the term of the variance as granted by Board resolution, said resolution having been adopted October 26, 1993, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from the October 26, 2003 to expire on October 26, 2013, on condition that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received March 30, 2004"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT all applicable conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the number of parking spaces on the site shall be limited to a maximum of 25, of which 11 spaces shall be made available for rental to neighborhood people as indicated on the previous certificate of occupancy;

THAT the parking layout shall be approved by the Department of Buildings;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB # 200795096)

Adopted by the Board of Standards and Appeals, April 27, 2004.

A true copy of resolution adopted by the Board of Standards and Appeals, April 27, 2004.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.