

1126-48-BZ

APPLICANT - Sheldon Lobel, P.C., for Advance Parking LLC, owner.

SUBJECT - Application July 30, 2004 - Reopening for an extension of term of variance for an open garage for parking & storage of more than five(5) motor vehicles, located in C1-5 zoning district.

PREMISES - 249/51 West 43rd Street, north side of West 43rd Street, 200' east of 8th Avenue, Block 1015, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a reopening and, pursuant to Z.R. §11-411, an extension of the term of the variance, which expired on October 29, 2004; and

WHEREAS, a public hearing was held on this application on February 15, 2005 after due notice by publication in The City Record, and then to decision on March 8, 2005; and

WHEREAS, on June 14, 1949, under the above referenced calendar number, the Board granted an application to permit the erection and maintenance of a parking garage for a term of fifteen years; and

WHEREAS, since the original grant, the applicant has obtained subsequent minor amendments and extensions of the term of the variance, the most recent extension being granted on November 18, 1997; and

WHEREAS, the subject garage is a five-story building, plus cellar and roof, with 219 parking spaces, and is located on West 43rd Street, between Seventh and Eighth Avenues; and

WHEREAS, the subject garage is in a neighborhood with many Broadway theaters and fulfills a need for parking in the area; and

WHEREAS, therefore, the Board finds that this application for an extension of term is appropriate to grant.

Therefore it is Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, said resolution having been adopted on June 14, 1949, and subsequently amended and

extended, and extends the term of the variance, which expired on October 29, 2004 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 years from October 29, 2004 expiring on October 29, 2014; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 5, 2005"- (1) sheet and "Received February 18, 2005" - (9) sheets; and on further condition:

THAT the site shall be maintained free of debris and graffiti;

THAT any graffiti located on the site shall be removed within 48 hours;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT any existing signage on the site shall remain as originally granted; no new signage is being approved herein.

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 Application #103820732)

Adopted by the Board of Standards and Appeals, March 8, 2005.

A true copy of resolution adopted by the Board of Standards and Appeals, March 8, 2005.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.