

16-95-BZ

APPLICANT – Akerman Senterfitt, LLP, for STA Parking Group, owner.

SUBJECT – Application July 24, 2009 – Extension of Term and Waiver of the Rules of a previously granted Variance (§72-21) for a UG8 parking garage with accessory auto repairs which expired on March 23, 2009. R-8B zoning district.

PREMISES AFFECTED – 434 East 77th Street, between 76th and 77th Street, Block 1471, Lot 31, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Calvin Wong.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term for a previously granted variance for a parking garage (Use Group 8) with accessory auto repairs, which expired on March 23, 2009; and

WHEREAS, a public hearing was held on this application on October 6, 2009, after due notice by publication in *The City Record*, with a continued hearing on October 27, 2009, and then to decision on November 17, 2009; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the building and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, the subject site is located on a through block bounded by East 77th Street to the north and East 76th Street to the south, between First Avenue and York Avenue, within an R8B zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 7, 1921 when, under BSA Cal. No. 396-21-BZ, the Board permitted the conversion of the subject building from a horse stable to a public parking garage; and

WHEREAS, on November 14, 1922, under BSA Cal. No. 1061-22-BZ, the Board permitted an enclosed third-story enlargement of the subject building, which was not built; and

WHEREAS, on March 23, 1999, under the subject calendar number, the Board permitted the enlargement of the existing building pursuant to ZR § 11-412 for a term of ten years, which expired on March 23, 2009; at that time, the Board also granted an appeal, under BSA Cal. No. 17-95-A, regarding required egress and fire ratings; and

WHEREAS, subsequently, the grant has been amended at various times; and

WHEREAS, most recently, on January 9, 2007, the Board granted an extension of time to complete construction and permitted modifications to the BSA-approved plans; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, at hearing, the Board questioned whether the existing illuminated sign at the site’s East 77th Street frontage complies with C1 zoning district regulations; and

WHEREAS, in response, the applicant states that the sign projects more than 18 inches beyond the street line, and therefore does not satisfy ZR § 32-622; and

WHEREAS, the applicant further states that the owner has agreed to modify the subject sign so that it does not project more than 18 inches beyond the street line; and

WHEREAS, the applicant submitted a revised sign plan which reflects a sign that complies with C1 sign regulations; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted on March 23, 1999, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for ten years from March 23, 2009, to expire on March 23, 2019, *on condition* that the use and operation shall substantially conform to the previously approved drawings and to the drawings filed with this application marked “Received November 4, 2009”-(1) sheet; and *on further condition*:

THAT the term of this grant shall expire on March 23, 2019;

THAT signage shall comply with C1 zoning district regulations;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained by May 17, 2010;

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

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; 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)/configuration(s) not related to the relief granted.” (N.B. 100664372)

Adopted by the Board of Standards and Appeals, November 17, 2009.

A true copy of resolution adopted by the Board of Standards and Appeals, November 17, 2009

Printed in Bulletin No. 46, Vol. 94.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.