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BOARD OF STANDARDS AND APPEALS

MEETING OF: **July 13, 2026**
CALENDAR NO.: **2016-1219-BZ**
PREMISES: **73-45 Myrtle Avenue, Queens**
 Block 3823, Lot 88

ACTION OF BOARD — Application granted on condition.

THE VOTE —

Affirmative: Chair Chanda, Vice-Chair Scibetta, Commissioner

Sheta, and Commissioner Yoon.....4
Negative:.....0
Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION —

I. The Request

This is an application for an extension of time to complete construction and obtain a certificate of occupancy for a variance, granted under Z.R. § 72-21, which permitted, in an R4-1 zoning district, the construction of a two-story, plus cellar mixed-use commercial and residential building contrary to use (Z.R. § 22-10), front yard (Z.R. § 23-45), side yard (Z.R. § 23-462), and floor area/floor area ratio (“FAR”) (Z.R. § 23-142) regulations, and expired on April 11, 2026.

A public hearing was held on this application on June 15, 2026, after due notice by publication in *The City Record*, and then to decision on July 13, 2026.

II. The Location

The Premises are located on the northwest corner of the intersection of Myrtle Avenue and 74th Street, within an R4-1 zoning district, in Queens. The Premises have approximately 102 feet of frontage along Myrtle Avenue, 35 feet of frontage along 74th Street, and 2,620 square feet of lot area, and are currently vacant.

III. Board History

The Board has exercised jurisdiction over the Premises since December 28, 2017, when, under the subject calendar number, the Board granted a variance, pursuant to Z.R. § 72-21, to permit, in an R4-1 zoning district, the construction of a two-story, plus cellar mixed-use commercial and residential building contrary to use (Z.R. § 22-10), front yard (Z.R. § 23-45), side yard (Z.R. § 23-462), and floor area/floor area ratio (“FAR”) (Z.R. § 23-142) regulations, on condition that all work substantially conform to the BSA-approved drawings; the maximum envelope of the building be as follows: a maximum of 4,705 square feet of floor area (a maximum of 1,997 square feet of commercial floor

area (0.76 FAR) and a maximum of 2,708 square feet of residential floor area (1.03 FAR)), a total maximum FAR of 1.80, no side yards, no front yard along the 74th Street frontage, and a front yard along the Myrtle Avenue frontage with a depth of at least 2'-9" at the western end of the site so that the building aligns with the existing two-story building located immediately adjacent to the site to the west, as illustrated on the Board-approved plans; substantial construction be completed pursuant to Z.R. § 72-23; a certificate of occupancy be obtained within four years; the approval be limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); the approved plans be considered approved only for the portions related to the specific relief granted; and DOB 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.

On April 11, 2022, under the subject calendar number, the Board extended the time to complete construction and obtain a certificate of occupancy for four years, to expire on April 11, 2026, on condition that the maximum envelope of the building be as follows: a maximum of 4,705 square feet of floor area (a maximum of 1,997 square feet of commercial floor area (0.76 FAR) and a maximum of 2,708 square feet of residential floor area (1.03 FAR)), a total maximum FAR of 1.80, no side yards, no front yard along the 74th Street frontage, and a front yard along the Myrtle Avenue frontage with a depth of at least 2'-9" at the western end of the site so that the building aligns with the existing two-story building located immediately adjacent to the site to the west, as illustrated on the Board-approved plans; all conditions from prior resolutions not specifically waived by the Board remain in effect; a certificate of occupancy, also indicating this approval and calendar number, be obtained within four years, by April 11, 2026; the approval be limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings; the approved plans be considered approved only for the portions related to the specific relief granted; and the Department of Buildings ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plans or configurations not related to the relief granted.

IV. The Proposal

The time to complete construction and obtain a certificate of occupancy having expired, the applicant now seeks an extension. The applicant represents that the delay in commencing construction has been primarily caused by difficulty in financing the project and the ongoing ramifications of the COVID-19 pandemic, including impacts on commercial and retail occupancy, which continue to impact its financial position. Regarding its steps to advance DOB approvals for the project, applicant states that it filed a Plan/Work Application in 2019; a Builders Pavement Plan in October 2020; a reinstatement of the subject permits in November 2021; and an Alt-3 Builders Pavement Plan in October 2023. The applicant indicates that it is now preparing to complete the project in accordance with the Board's original grant within four years and thus requests a four-year extension of time.

V. The Decision

Based upon its review of the record, the Board has determined that the requested extension of time to complete construction and obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *amend* the variance, under BSA Cal. No. 2016-1219-BZ, dated December 28, 2017, as amended through April 11, 2022, so that as amended this portion of the resolution shall read: “to extend the time to complete construction and obtain a certificate of occupancy for four years, to expire on July 13, 2030, for a variance, granted under Z.R. § 72-21, which permitted, in an R4-1 zoning district, the construction of a two-story, plus cellar mixed-use commercial and residential building contrary to use (Z.R. § 22-10), front yard (Z.R. § 23-45), side yard (Z.R. § 23-462), and floor area/floor area ratio (“FAR”) (Z.R. § 23-142) regulations, *on condition*:

THAT that the maximum envelope of the building shall be as follows: a maximum of 4,705 square feet of floor area (a maximum of 1,997 square feet of commercial floor area (0.76 FAR) and a maximum of 2,708 square feet of residential floor area (1.03 FAR)), a total maximum FAR of 1.80, no side yards, no front yard along the 74th Street frontage, and a front yard along the Myrtle Avenue frontage with a depth of at least 2'-9" at the western end of the site so that the building aligns with the existing two-story building located immediately adjacent to the site to the west, as illustrated on the Board-approved plans;

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

THAT a certificate of occupancy, also indicating this approval and calendar number (‘BSA Cal. No. 2016-1219-BZ’), be obtained within four years, by July 13, 2030;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

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

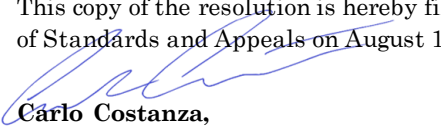
THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plans or configurations not related to the relief granted.”

Adopted by the Board of Standards and Appeals, July 13, 2026.



CERTIFICATION

This copy of the resolution is hereby filed by the Board of Standards and Appeals on August 12, 2026.


Carlo Costanza,
BSA Executive Director