

MINUTES

WHEREAS, the size of said hallways create a difficult condition when attempting to move large pieces of equipment or material through to the elevators; and

WHEREAS, presently the passenger elevator must serve both the residential and commercial uses of the existing building, creating a problem for security and traffic; and

WHEREAS, the structure lacks loading bays or docks and all loading must be done through the freight entrance which is encumbered by the stair enclosure's encroachment into the lobby and a lack of adequate space for the stacking of boxes; and

WHEREAS the applicant represents that these conditions render the current structure unsuitable or obsolete for today's manufacturing or commercial uses and overall it is impractical to develop the subject zoning lot with a conforming use; and

WHEREAS, these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that as a result of the constraints placed on the subject zoning lot development of the site with a conforming use would not yield a reasonable return; and

WHEREAS, portions of the existing building are presently used for residential use; and

WHEREAS, evidence in the record shows that the surrounding area, within a 400' radius of the subject zoning lot, consists of a mixture of both residential and commercial uses; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant has submitted evidence that the proposed conversion is the minimum development necessary in order to receive a reasonable return; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City

Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, within an M1-6 zoning district, the proposed conversion of floor 8, floor 9, and portions of floor 7 of a ten story and penthouse building to residential use (Use Group 2), which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "May 20, 1999"- (4) sheets and "November 23, 1999"- (1) sheet; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 11, 2000.

256-99-BZ

APPLICANT - Donald Sclare, Architect, for NYC Housing Preservation & Development, City of New York, owner.

SUBJECT - Application October 7, 1999 - under Z.R. 72-21, to permit, within an R7-1 zoning district, the proposed construction of a multi-family residence (Use Group 2), which creates non-compliance with respect to minimum distance between a side lot line and a legally required window and is thus contrary to Z.R. § 23-861 (c).

PREMISES AFFECTED - 2327 Southern Boulevard a.k.a. 2030 Prospect Avenue, thru lot between Southern Boulevard & Prospect Avenue, 131.55' south of intersection with east 185th Street, Block 3114, Lot 8, Borough of Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated September 7, 1999 acting on N.B. Applic. No. 200442058 reads:

"Proposed side yard on northern side of property (13 feet wide) is contrary to Section 28-861 (c) Zoning Resolution City Of New York. Minimum side yard shall be 30 feet wide"; and

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WHEREAS, a public hearing was held on this application on December 21, 1999 after due notice by publication in the Bulletin and laid over to January 11, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within an R7-1 zoning district, the proposed construction of a multi-family residence (Use Group 2), which creates non-compliance with respect to minimum distance between a side lot line and a legally required window and is thus contrary to Z.R. § 23-861(c); and

WHEREAS, the subject zoning lot has a frontage of approximately 50' on Prospect Avenue, a frontage of approximately 100' on Southern Boulevard, a depth of approximately 100', and is presently vacant; and

WHEREAS, the applicant represents that an easement agreement will be entered into which will provide light and air for the subject premises; and

WHEREAS, the north/south dimensions of the subject zoning lot are narrow in scope; and

WHEREAS, due to the narrow scope of this portion of the zoning lot the proposed building would be prohibited from meeting a minimum distance between the north window wall and the property line on the north side; and

WHEREAS, this condition creates unique circumstances inherent in the zoning lot which cause a practical difficulty in developing the site with a conforming use; and

WHEREAS, the applicant need not meet the requirements of Z.R. §72-21 (b), as the applicant is a not for profit entity; and

WHEREAS, evidence in the record indicates that within the area surrounding the subject zoning lot there exist buildings of similar scale and bulk; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant has submitted evidence that the proposed conversion is the minimum development necessary in order to receive a reasonable return; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered

all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, within an R7-1 zoning district, the proposed construction of a multi-family residence (Use Group 2), which creates non-compliance with respect to minimum distance between a side lot line and a legally required window and is thus contrary to Z.R. § 23-861 (c), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "October 7, 1999"- (8) sheets and "December 22, 1999"-(1) sheet; and on further condition;

THAT an easement agreement be entered into by the applicant with the owner of 780 East 180th Street, Bronx Block 3114 Lot 9, to provide light and which benefits the subject premises;

THAT the proposed easement run with the land;

THAT aforementioned easement be recorded in the County Clerk's Office and or the Office of the City Register and adequate proof of said filing be provided to the Department of Buildings;

THAT the above referenced conditions appear on the new certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 11, 2000.

165-98-BZ

APPLICANT - Klein and O'Brien, for Seagate Minimall, Inc., owner; Za Zaborom, Inc. aka/dba Mermaid Spa, lessee. SUBJECT - Application March 9, 1998 - under Z.R. §72-21, to permit the legalization of an existing physical culture establishment (Use Group 9) located in C1-2 within an R3-1 zoning district.

PREMISES AFFECTED - 3701 Mermaid Avenue, northeast corner of West 37th Street, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK