

269-98-BZ

99-BSA-030K

APPLICANT - JMA and Associates, Inc., for Mothiur Rahman, owner.

SUBJECT - Application September 17, 1998 - under Z.R. §72-21, to permit the proposed construction of a two story building for commercial use (retail stores), Use Group 6, located in an R-8 zoning district which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 70 West 184th Street and 2363 Morris Avenue, southwest corner, Block 3183, Lot 42, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES - None.

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 Borough Commissioner, dated September 4, 1998, acting on N.B. Applic. No. 200483422, reads:

"Use Group 6 Retail Stores Not Permissible in R8 District as per Sec. 22-00"; and

WHEREAS, Community Board No.5, Bronx, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 16, 1999 after due notice by publication in the Bulletin laid over to December 14, 1999 and then 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 the proposed construction of a two story building for commercial use (retail stores), Use Group 6, located in an R-8 zoning district which is contrary to Z.R. §22-00; and

WHEREAS, the site is an irregularly shaped corner lot with a width of approximately 21'-0" by a depth of approximately 101'; and

WHEREAS, the subject development has a total floor area of approximately 4,258 square feet, yielding a 24' tall two-story building; and

WHEREAS, the Board finds that the narrowness of the lot creates an unnecessary hardship in meeting the light and air requirements and make it difficult and unreasonable to erect marketable housing in this area; and

WHEREAS, the subject lot has been vacant for more than twenty years; and

WHEREAS, the aforementioned circumstances create unique conditions inherent within the subject zoning lot; and

WHEREAS, these unique circumstances create an unnecessary hardship in developing the site with a conforming use or complying development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming residential use would not yield the owner a reasonable return; and

WHEREAS, the applicant represents and the Board agrees, that the area surrounding the site has been occupied by commercial uses, schools and churches; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, 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 §72-21 of the Zoning Resolution; 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; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects; and

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 the proposed construction of a two story building for commercial use (retail stores), Use Group 6, located in an R-8 zoning district which is contrary to Z.R. §22-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "September 14, 1999"-(1) sheet and "December 2, 1999"-(1) sheet; and on further condition;

THAT the hours of operation shall be limited to 6:00 A.M. to 11 P.M.;

THAT all deliveries will take place during the hours of 7:00 A.M. to 11:00 A.M. only;

THAT refuse pick-up will take place on a bi-daily basis

THAT the premises remain graffiti free at all times;

THAT all HVAC equipment will be pointed away from residential uses;

THAT all landscaping be maintained in accordance with BSA approved plans;

THAT the above conditions shall appear on the 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;

THAT substantial construction take place in accordance with Z.R. §72-23.

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

A true copy of resolution adopted by the Board of Standards and Appeals, January 11, 2000.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

