

269-98-BZ

APPLICANT – Mothiur Rahman, for Mothiur Rahman, owner.

SUBJECT – Application September 15, 2008 – Extension of Time to complete construction of a variance (§72-21) for a two story building for commercial use (UG 6) in a residential district. R8 zoning district.

PREMISES AFFECTED – 70 East 184th Street, southwest corner of East 184th Street and Morris Avenue, Block 3183, Lot 42, Borough of Bronx.

COMMUNITY BOARD #5BX

APPEARANCES – None.

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 Montanez.....5

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 time to complete construction and obtain a certificate of occupancy for a two-story commercial building; and

WHEREAS, a public hearing was held on this application on August 11, 2009, after due notice by publication in the *City Record*, and then to decision on August 25, 2009; and

WHEREAS, the site is located on the southwest corner of the intersection at East 184th Street and Morris Avenue, within an R8 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 11, 2000 when, under the subject calendar number, the Board granted a variance application to permit the construction of a two-story commercial building (UG 6) in an R8 zoning district; and

WHEREAS, on April 13, 2004, the Board reopened and amended the resolution to permit an extension of time to complete construction and obtain a certificate of occupancy, which expired on April 13, 2006; and

WHEREAS, on August 15, 2006, the Board reopened and amended the resolution to permit an extension of time to complete construction and obtain a certificate of occupancy, which expired on August 15, 2008; and

WHEREAS, the applicant represents that construction was delayed due to financing issues which have been resolved; and

WHEREAS, the applicant further states that construction is now nearly complete; and

A true copy of resolution adopted by the Board of Standards and Appeals, August 25, 2009.

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To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, thus, the applicant requests an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, the Board has determined that the evidence in the record supports the grant of the requested extension.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated January 11, 2000, so that as amended this portion of the resolution shall read: “to permit an extension of time to complete construction and obtain a certificate of occupancy for a term of two years from the date of this resolution, to expire on August 25, 2011; *on condition*:

THAT substantial construction shall be completed by February 25, 2011;

THAT a Certificate of Occupancy shall be obtained by August 25, 2011;

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) and/or configuration(s) not related to the relief granted.” (DOB Application No. 200483422)

Adopted by the Board of Standards and Appeals, August 25, 2009.