

**269-98-BZ**

APPLICANT – Mothiur Rahman, for Fordham Zone Realty LLC, owner.

SUBJECT – Application August 24, 2011 – Extension of Time to obtain a Certificate of Occupancy for a Variance (§72-21) for the construction of a two-story building with UG6 commercial use which expired on August 25, 2011. R8 zoning district.

PREMISES AFFECTED – 70 East 184<sup>th</sup> Street, Southwest corner of East 184<sup>th</sup> Street and Morris Avenue, Block 3183, Lot 42, Borough of Bronx.

**COMMUNITY BOARD #5BX**

**APPEARANCES –**

For Applicant: Mothiur Rahman.

**ACTION OF THE BOARD –** Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION –**

WHEREAS, this is an application for a reopening and an extension of time to obtain a certificate of occupancy for a two-story commercial building; and

WHEREAS, a public hearing was held on this application on September 27, 2011, after due notice by publication in the *City Record*, and then to decision on November 1, 2011; and

WHEREAS, the site is located on the southwest corner of the intersection at East 184<sup>th</sup> 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 (Use Group 6) in an R8 zoning district; and

WHEREAS, subsequently, the Board has granted several extensions of time to complete construction; and

WHEREAS, most recently, on August 25, 2009, the Board granted an extension of time to complete construction, which expired on February 25, 2011; a condition of the grant was that a certificate of occupancy be obtained by August 25, 2011; and

WHEREAS, the applicant states that the construction was completed on the subject building in February 2010; and

WHEREAS, the applicant now requests a two year extension of time to obtain a certificate of occupancy; and

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

**A true copy of resolution adopted by the Board of Standards and Appeals, November 1, 2011.**

**Printed in Bulletin No. 45, Vol. 96.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated January 11, 2000, so that as amended this portion of the resolution shall read: “to grant an extension of time to obtain a certificate of occupancy for two years from the date of this resolution, to expire on November 1, 2013, *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT a Certificate of Occupancy shall be obtained by November 1, 2013;

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, November 1, 2011.