

302-01-BZ

APPLICANT – Deirdre A. Carson, Esq., for Creston Avenue Realty, LLC, owner.

SUBJECT – Application October 12, 2011 – Extension of Time to obtain a Certificate of Occupancy for a variance for the continued use of a parking facility accessory to commercial use which expired on April 23, 2033; waiver of the rules. R8 zoning district.

PREMISES AFFECTED – 2519-2525 Creston Avenue, between East 190th and 191st Streets, Block 3175, Lot 26, Borough of Bronx.

COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Randell Minor.

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 Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, a waiver of the Rules of Practice and Procedure, and an extension of time to obtain a certificate of occupancy, which expired on April 23, 2003; and

WHEREAS, a public hearing was held on this application on December 6, 2011 after due notice by publication in *The City Record*, and then to decision on January 10, 2012; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, the site is located on the southwest corner of Creston Avenue and East 191st Street, partially within an R8 zoning district and partially within a C4-4 zoning district; and

WHEREAS, on December 7, 1948, under BSA Cal. No. 861-48-BZ, the Board granted a variance to permit the site to be used for the parking of more than five motor vehicles, for a term of two years; and

WHEREAS, subsequently, the grant was amended and the term extended at various times, until its expiration on January 10, 1988; and

WHEREAS, on April 23, 2002, under the subject calendar number, the Board reestablished the expired variance pursuant to ZR § 11-411, to permit an accessory parking facility for commercial use at the site, for a term of ten years; a condition of the grant was that a new certificate of occupancy be obtained by April 23, 2003; and

WHEREAS, the applicant states that a certificate of occupancy has not been obtained due to miscommunication between the owner and operator of the site; and

WHEREAS, the applicant now requests a six-month extension of time to obtain a certificate of occupancy; and

WHEREAS, based upon the above, the Board finds that the requested extension of time is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated April 23, 2002, so that as amended this portion of the resolution shall read: “to grant an extension of time to obtain a certificate of occupancy for six months from the date of this resolution, to expire on July 10, 2012; *on condition*:

THAT a new certificate of occupancy shall be obtained by July 10, 2012;

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

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

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. 200683590)

Adopted by the Board of Standards and Appeals January 10, 2012.

A true copy of resolution adopted by the Board of Standards and Appeals, January 10, 2012.
Printed in Bulletin Nos. 1-3, Vol. 97.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.