

**302-01-BZ**

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

SUBJECT – Application April 30, 2012 – Extension of Term of a previously granted variance (§72-21) for the continued operation of a parking facility accessory to commercial use which expired on April 23, 2012; Extension of Time to obtain a Certificate of Occupancy which expired on July 10, 2012. R8 zoning district.

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

**COMMUNITY BOARD #3BX**

**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 reopening, a waiver of the Rules of Practice and Procedure, an extension of term of a previously approved variance for an accessory parking facility for commercial use, and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on August 21, 2012 after due notice by publication in *The City Record*, with continued hearings on September 25, 2012, October 16, 2012 and November 20, 2012, and then to decision on December 11, 2012; and

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

WHEREAS, the site is located on the southwest corner of Creston Avenue and East 191<sup>st</sup> 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, which expired on April 23, 2012; a condition of the grant was that a new certificate of occupancy be obtained by April 23, 2003; and

WHEREAS, most recently, on January 10, 2012, the Board granted a six month extension of time to obtain a certificate of occupancy, which expired on July 10, 2012; and

WHEREAS, the applicant now requests a ten-year extension of the term; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, the applicant also requests an additional extension of time to obtain a certificate of occupancy; and

WHEREAS, the applicant states that a certificate of occupancy has not been obtained due to delays at the Department of Buildings; and

WHEREAS, at hearing, the Board directed the applicant to clean up the site; and

WHEREAS, in response, the applicant submitted photographs reflecting that the required striping and directional arrows now appear clearly, the walls of the adjacent building are free of graffiti, and the lot has been swept clean; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens*, and *amends* the resolution, dated April 23, 2002, so that as amended this portion of the resolution shall read: “to permit an extension of term for an additional period of ten years from the expiration of the prior grant, to expire on April 23, 2022, and to grant an extension of time to obtain a certificate of occupancy for one year from the date of this resolution, to expire on December 11, 2013; *on condition*: that the use shall substantially conform to drawings as filed with this application, marked ‘Received September 11, 2012’– (1) sheet, and on further condition:

THAT the term of this grant shall be for ten years from the expiration of the prior grant, to expire on April 23, 2022;

THAT the site will be maintained free of debris and graffiti;

THAT the above conditions will appear on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained by December 11, 2013;

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 December 11, 2012.

**A true copy of resolution adopted by the Board of Standards and Appeals, December 11, 2012.**

**Printed in Bulletin No. 51, Vol. 97.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**