

302-01-BZ

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

SUBJECT – Application May 28, 2014 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance (§72-21) for the continued operation of a parking facility accessory to commercial use which expired on December 11, 2013. R8 zoning district.

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

COMMUNITY BOARD #7BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4

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 for a parking facility accessory to a commercial use; and

WHEREAS, a public hearing was held on this application on September 9, 2013 after due notice by publication in *The City Record*, with a continued hearing on October 7, 2014, and then to decision on October 21, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Vice-Chair 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, 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, on January 10, 2012, the Board granted a six month extension of time to obtain a

A true copy of resolution adopted by the Board of Standards and Appeals, October 21, 2014.

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To Applicant

Fire Com'r.

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certificate of occupancy, which expired on July 10, 2012; and

WHEREAS, on December 11, 2012, the Board granted a ten-year extension of term, to expire on April 23, 2022, and a one-year extension of time to obtain a certificate of occupancy, to expire on December 11, 2013; and

WHEREAS, the applicant states that a certificate of occupancy has not yet been obtained; 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 replace the existing chain link fence at the site and to repair the concrete retaining wall on which the fence rests; and

WHEREAS, in response, the applicant agreed to replace the existing fence with a black aluminum fence; the applicant notes that the installation of the fence and the repair of the concrete retaining wall will take approximately four months; 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 *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 one year from the date of this resolution, to expire on October 21, 2015; on condition:

THAT a new certificate of occupancy will be obtained by October 21, 2015;

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

THAT the approved plans will 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); 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 October 21, 2014.

