

323-14-BZ

APPLICANT – Eric Palatnik, P.C., for Avner Levy, owner.

SUBJECT – Application December 12, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area (ZR 23-141(b)). R3-1 zoning district.

PREMISES AFFECTED – 282 Corbin Place, adjacent to the Coney Island Beach and Boardwalk, Block 08723, Lot 276, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings (“DOB”), dated November 18, 2014, acting on DOB Application No. 320872383, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(b) in that the proposed floor area (F.A.R.) exceeds the maximum permitted; and

WHEREAS, this is an application under ZR § 73-622, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio (“FAR”) contrary to ZR § 23-141(b); and

WHEREAS, a public hearing was held on this application on October 16, 2015, after due notice by publication in *The City Record*, with a continued hearing on November 24, 2015, and then to decision on January 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Corbin Place south of Oriental Boulevard, in an R3-1 zoning district, in Brooklyn; and

WHEREAS, the site has approximately 50 feet of frontage along Corbin Place, a depth of 145 feet, and 7,231 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, one-family residence with approximately 3,344 sq. ft. of floor area (0.46 FAR); and

WHEREAS, ZR § 73-622 provides that:

The Board of Standards and Appeals may permit an *enlargement* of an existing *single- or two family detached or semi-detached residence* within the following areas:

- (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
- (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such *enlargement* may create a new *non-compliance*, or increase the amount or degree of *non-compliance*, with the applicable *bulk* regulations for *lot coverage, open space, floor area, side yard, rear yard* or perimeter wall height regulations, provided that:

- (1) any *enlargement* within a *side yard* shall be limited to an *enlargement* within an existing *non-complying side yard* and such *enlargement* shall not result in a decrease in the existing minimum width of open area between the *building* that is being *enlarged* and the *side lot line*;
- (2) any *enlargement* that is located in a *rear yard* is not located within 20 feet of the *rear lot line*; and
- (3) any *enlargement* resulting in a *non-complying* perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the *enlarged building* is adjacent to a *single- or two family detached or semi-detached residence* with an existing *non-complying* perimeter wall facing the *street*. The increased height of the perimeter wall of the *enlarged building* shall be equal to or less than the height of the adjacent *building’s non-complying* perimeter wall facing the *street*, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-31, paragraph (b), shall continue to apply.

The Board shall find that the *enlarged building* will not alter the essential character of the neighborhood or district in which the *building* is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

WHEREAS, the Board notes that in addition to the foregoing, its determination herein is also subject to and guided by, *inter alia*, ZR §§ 73-01 through 73-04; and

WHEREAS, as a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the Board notes further that the subject application seeks to enlarge an existing single

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family residence, as contemplated in ZR § 73-622; and

WHEREAS, the applicant seeks to increase the floor area of the structure from 3,344 sq. ft. (0.46 FAR) to 4,722 sq. ft. (0.65 FAR), decrease the front yard from 20.1' to 15.41' (a minimum front yard of 15' is required pursuant to ZR § 23-45), maintain one side yard of 5' and decrease a second side yard from 19.8' to 13' (the minimum required total width for all side yards is 13' and the minimum width of any side yard is 5' pursuant to ZR § 23-461), decrease the rear yard from 64.3' to 53.3' (a minimum rear yard of 30' is required pursuant to ZR § 23-47); and

WHEREAS, the applicant represents that the proposed enlargement complies with all applicable flood regulations, including but not limited to Appendix G of the Building Code; and

WHEREAS, the maximum permitted floor area under applicable zoning district regulations is 0.60 FAR: 0.5 FAR pursuant to ZR § 23-141(b) plus a maximum 20 percent increase in floor area (equivalent to 0.1 FAR) permitted in the subject zoning district pursuant to ZR § 23-141(b)(1) provided that such increase in floor area is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such floor area is between five and eight feet; and

WHEREAS, the proposed increase in floor area to 4,722 sq. ft. (0.65 FAR) includes an attic containing 685 sq. ft. of floor area (0.09 FAR) and a height of 8'; and

WHEREAS, the applicant represents that the proposed enlargement will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, specifically, the applicant represents that the properties improved upon with one- or two-family homes within 400 feet of the site, more than 30 percent have an FAR of more than 0.65; and

WHEREAS, the applicant further notes that a 60' tall six-story apartment building is located immediately south of the subject site and that the proposed enlargement will appear minor in comparison to such building and will, thus, be incapable of altering the character of the district; and

WHEREAS, based upon its review and the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

**A true copy of resolution adopted by the Board of Standards and Appeals, January 12, 2016.
Printed in Bulletin Nos. 1-3, Vol. 101.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family residence which does not comply with the zoning requirements for floor area ratio ("FAR") contrary to ZR § 23-141(b); *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received January 8, 2016"- One (1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,722 sq. ft. (0.65 FAR), as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by January 12, 2020; and

THAT DOB 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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 12, 2016.

