

352-69-BZ

APPLICANT – Sheldon Lobel, P.C., for Dr. Alan Burns, owner.

SUBJECT – Application September 29, 2011 – Extension of Term (§72-21) of a Variance for the continued operation of a UG16 animal hospital (*Brooklyn Veterinary Hospital*) which expired on September 30, 1999; Waiver of the Rules. R6B zoning district.

PREMISES AFFECTED – 411 Vanderbilt Avenue, east side of Vanderbilt Avenue between Greene and Gates Avenue, Block 1960, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Jordan Most.

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, and an extension of term for the continued use of the site as an animal hospital (Use Group 16), which expired on September 30, 1999; and

WHEREAS, a public hearing was held on this application on January 10, 2012, after due notice by publication in *The City Record*, with a continued hearing February 7, 2012, and then to decision on March 6, 2012; and

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

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, the site is located on the east side of Vanderbilt Avenue between Greene Avenue and Gates Avenue, within an R6B zoning district; and

WHEREAS, the site has 55 feet of frontage on Vanderbilt Avenue, a depth of 70 feet, and a total lot area of 3,861 sq. ft.; and

WHEREAS, the site is occupied by a two-story building with an animal hospital (Use Group 16) at the first floor and residential use above; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 30, 1969 when, under the subject calendar number, the Board granted a variance to permit the change in occupancy of an existing one-story building from a machine shop and electrical repair shop to an animal hospital, for a term of ten years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on June 12, 1990, the Board granted an amendment to legalize changes to the interior design and layout and the construction of an open storage shed in the rear yard, and an extension of term for ten years from the expiration of the prior grant, to expire on September 30, 1999; and

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

WHEREAS, at hearing, the Board directed the applicant to provide evidence in support of its representation that the subject animal hospital has been operating continuously on the site since the Board’s last extension of term grant in 1990; and

WHEREAS, in response, the applicant submitted (1) an affidavit from the owner stating that he has worked at or owned the site since 1995 and the animal hospital use has operated continuously since that time; (2) W-2 forms for tax years 1995 and 1996 reflecting the current owner was employed by the animal hospital during those years; (3) copies of deeds reflecting the transfer in interest to the current owner of the site; and (4) an affidavit stating that the applicant researched the business telephone numbers maintained at the subject site from 1990 to the present and that The Cole’s Cross Reference Directory showed that the animal hospital maintained an operating phone line at the site since 1990; and (5) photographs of the relevant pages from the Cole’s directory; and

WHEREAS, the Board finds that the evidence submitted by the applicant is sufficient to establish that the animal hospital has operated continuously at the site since the Board’s last extension of term grant in 1990; and

WHEREAS, the Board also raised questions regarding the use of the kennels at the rear of the site and whether overnight care for animals is provided at the site, which may result in noise during the overnight hours; and

WHEREAS, in response, the applicant states that the kennels at the rear of the site are only used temporarily when cleaning the interior of the site; and

WHEREAS, the applicant further states that typically animals that require overnight treatment are transferred to a separate facility, and animals are only kept at the site overnight if their status is critical and transfer to another facility could jeopardize their health, which only occurs once every four to six weeks; and

WHEREAS, the applicant further states that when overnight treatment is required at the site, the animals are monitored by one of the animal hospital’s veterinary technicians, who resides in one of the upstairs apartments; and

WHEREAS, since animals are rarely kept for overnight treatment at the site, the applicant states that the noise during the overnight hours has not been an issue; and

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WHEREAS, based upon the above, the Board finds that the requested ten-year extension of term 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 September 30, 1969, so that as amended this portion of the resolution shall read: "to extend the term for ten years from the date of the grant, to expire on March 6, 2022; *on condition* that all use and operations shall substantially conform to plans filed with this application marked Received 'September 29, 2011'-(4) sheets; and *on further condition*:

THAT the term of the grant will expire on March 6, 2022;

THAT the above condition will be reflected on the certificate of occupancy;

THAT all conditions from the prior resolution 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." (Alt. 632-69)

Adopted by the Board of Standards and Appeals March 6, 2012.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 6, 2012.
Printed in Bulletin No. 11, Vol. 97.**

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