

**37-10-BZ**

**APPLICANT** – Eric Palatnik, P.C., for Hadassah Bakst, owner.

**SUBJECT** – Application March 22, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space (23-141); side yard (23-461) and rear yard (23-47). R2 zoning district.

**PREMISES AFFECTED** – 1230 East 27th Street, south of Avenue L, Block 7644, Lot 58, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

**APPEARANCES** –

For Applicant: Hiram Rothkrug.

**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, the decision of the Brooklyn Borough Commissioner, dated March 15, 2010, acting on Department of Buildings Application No. 320123978, reads:

- “1. Proposed plans are contrary to ZR 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 50%.
2. Proposed plans are contrary to ZR 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the required 150%.
3. Plans are contrary to ZR 23-461(a) in that the existing minimum side yard is less than the required minimum 5’-0”.
4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30’-0”,” and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, side yards and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on May 18, 2010 after due notice by publication in *The City Record*, with a continued hearing on June 22, 2010, and then to decision on July 27, 2010; 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 14, Brooklyn, recommends approval of this application, with the condition that the FAR not exceed 1.0; and

WHEREAS, the subject site is located on the west side of East 27th Street, between Avenue L and Avenue M, within an R2 zoning district; and

WHEREAS, the subject site has a total lot area of 2,500 sq. ft., and is occupied by a single-family home with a floor area of 1,753 sq. ft. (0.70 FAR); and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant seeks an increase in the floor area from 1,753 sq. ft. (0.70 FAR) to 2,555 sq. ft. (1.02 FAR); the maximum permitted floor area is 1,250 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 40 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to maintain the existing side yard with a width of 3’-3” along the southern lot line (a minimum width of 5’-0” is required for each side yard); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 28’-0” (a minimum rear yard depth of 30’-0” is required); and

WHEREAS, at hearing the Board questioned whether the proposed dormer on the northern side of the home fit within the permitted bulk envelope and whether the proposed home complied with the sky exposure plane requirements of the underlying zoning district; and

WHEREAS, in response, the applicant submitted revised plans reflecting that the dormer has been eliminated and that the proposed home complies with sky exposure plane requirements; and

WHEREAS, based upon its review of 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, the Board finds that the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-622 and 73-03.

*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 and 73-03, to permit, within an R2 zoning district, the enlargement of

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a single-family home, which does not comply with the zoning requirements for FAR, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received May 3, 2010"-(2) sheets and "June 8, 2010"-(9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,555 sq. ft. (1.02 FAR); an open space ratio of 40 percent; a front yard with a depth of 12'-7"; a side yard with a minimum width of 5'-6" along the northern lot line; a side yard with a minimum width of 3'-3" along the southern lot line; and a rear yard with a minimum depth of 28'-0", as illustrated on the BSA-approved plans;

THAT the floor area in the attic shall be limited to 688 sq. ft.;

THAT DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

THAT substantial construction be completed in accordance with ZR § 73-70; 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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 27, 2010.

**A true copy of resolution adopted by the Board of Standards and Appeals, July 27, 2010.  
Printed in Bulletin Nos. 30-31, Vol. 95.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**