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**BOARD OF STANDARDS AND APPEALS**

**MEETING OF:** March 23, 2026  
**CALENDAR NO.:** 416-87-BZ  
**PREMISES:** 547-551 West 133rd Street, Manhattan  
Block 1987, Lot 9

**ACTION OF BOARD — Application granted on condition.**

**THE VOTE —**

**Affirmative:** Chair Chanda, Vice-Chair Scibetta,  
Commissioner Ottley-Brown, Commissioner Sheta, and  
Commissioner Yoon.....5  
**Negative:**.....0

**THE RESOLUTION —**

**I. The Request**

This is an application for a waiver of the Board’s Rules of Practice and Procedures (“Board’s Rules”); an extension of term of a previously approved variance; an amendment to allow change in the hours of operation for the Use Group (UG) VI automotive repair shop, which expired on June 27, 2019; and an extension of time to obtain a certificate of occupancy, which expired on March 22, 2010.

A public hearing was held on this application on February 12, 2024, after due notice by publication in *The City Record*, with continued hearings on March 10, 2025 and June 16, 2025, and then to decision on March 23, 2026. Commissioner Ottley-Brown performed an inspection of the Premises and surrounding area.

Community Board 9, Manhattan, recommends approval of this application.

**II. Location**

The Premises are located on the north side of West 133rd Street, between Broadway and Amsterdam Avenue, within a C6-1 (R7-A) zoning district and Subdistrict A of the Special Manhattanville Mixed Use District, in Manhattan. With approximately 75 feet of frontage along West 133rd Street, 100 feet of depth, and 7,500 square feet of lot area, the Premises are occupied by a two-story, automobile service station.

### III. Board History

The Board has exercised jurisdiction over the Premises since July 28, 1925 when, under BSA Cal. No. 384-25-BZ, the Board granted a variance to permit the construction of a two-story garage for more than five vehicles, without a rear yard.

On December 15, 1953, under BSA Cal. No. 384-25-BZ, the Board amended the grant to permit the addition of motor vehicle repairs, paint spraying, and welding on the second floor, for a term of five years to expire on December 15, 1958.

On June 22, 1954 and January 14, 1955, under BSA Cal. No. 384-25-BZ, the Board granted consecutive extensions of time to obtain permits and complete construction, to expire on July 14, 1955.

On September 15, 1959, February 9, 1965 and December 8, 1970, under BSA Cal. No. 384-25-BZ, the Board granted consecutive extensions of the term of the variance, the last of which expired on December 8, 1975.

On June 27, 1989, under the subject calendar number, the Board permitted the reestablishment of the grant, pursuant to Z.R. § 72-21, to permit an automobile repair shop, including transmission work, welding, body and fender work, incidental painting, and parking for cars awaiting service, and the legalization of a change in use to eliminate public parking, on condition that all work substantially conform to BSA-approved plans; the variance be limited to a term of ten years; the hours of operation be limited to 7:30 a.m. to 6:00 p.m. Monday through Friday and 7:30 a.m. to 1:00 p.m. Saturday; signs be limited to the portion of the lots in the M1-2 district; the above conditions appear on the certificate of occupancy; the development, as approved, be subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction to the Department; and substantial construction be completed in accordance with Z.R. § 72-23.

On February 26, 2002, under the subject calendar number, the Board granted a ten-year extension of the term, to expire on June 27, 2009.

On September 22, 2009, under the subject calendar number, the Board amended the resolution to extend the term of the variance for a period of ten years, to expire on June 27, 2019, and to extend the time to obtain a certificate of occupancy to March 22, 2010, on condition that any and all work substantially conform to drawings; the site be maintained free of debris and graffiti; all signage located on the portion of the site within the R7-2 zoning district comply with C1 zoning district regulations; the above conditions appear on the certificate of occupancy; and the Department of Buildings 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.

#### IV. Proposal

The term of the variance having expired, the applicant now seeks a ten-year extension of term.

Because this application was filed more than two years after, but less than ten years after the expiration of the term, the applicant also seeks a waiver, pursuant to § 1-14.2 of the Board's Rules, of § 1-07.3(b)(3) of the Board's Rules to permit the filing of the application. The applicant asserts that absent such waiver, it would be unable to operate the Premises that have been in operation for almost 70 years and would suffer substantial prejudice. As proof of continuous use of the Premises, the applicant also submitted street view photos from November 2019, August 2021, March 2022, and March 2023.

The applicant also seeks, pursuant to § 1-14.2 of the Board's Rules, of § 1-07.3(d)(2) of the Board's Rules, a waiver the Board's Rules to file for the extension of time to obtain a certificate of occupancy, which expired on March 22, 2010.

The applicant represents that the Premises have operated in a lawful manner and in accordance with the terms of the Board's prior approvals; that there has been no change in the use of the Premises since the expiration of the previous term; and that the existing automotive uses have had no negative impact on the character of the neighborhood. Lastly, the applicant seeks an amendment to the variance to extend the Saturday hours of operation for the automotive repair shop. from 8:00 a.m. – 1:00 p.m. to 8:00 a.m. – 3:00 p.m.

#### V. Board Review

Over the course of hearings, the Board expressed concerns about outstanding FDNY violations, and delays in the installation of a pre-fabricated spray booth. In response, the FDNY submitted a letter of no objection, dated February 25, 2026, which states, in pertinent part:

the department has no objection to the above-referenced application, subject to the following conditions:

1. Spraying operations shall be discontinued under the fire extinguishing system installation is tested before a department representative and determined to be in good working order, in accordance with FC 901.5 and 904.1.2.

Finally, the applicant updated plans to illustrate that the the spray booth was built in accordance with DOB guidelines and provided an affidavit from the operator on the second floor to attest to the legal operation of it pursuant to applicable DOB and FDNY regulations..

**VI. Decision**

Based upon its review of the record, the Board has determined that the requested amendment, extension of term, and extension of time to obtain a certificate of occupancy are appropriate with certain conditions as set forth below.

*Therefore, it is Resolved*, that the Board of Standards and Appeals does hereby *wave* its Rules of Practice and Procedures and *amend* the resolution, dated July 28, 1925, under BSA Cal. No. 348-25-BZ, as amended through September 22, 2009, so that, as amended, this portion of the resolution shall read: “to amend a variance, pursuant to Z.R. §§ 72-01 and 72-22, to change the Saturday hours of operation for the automotive repair shop from 8:00 a.m. – 1:00 p.m. to 8:00 a.m. – 3:00 p.m., and to permit the operation of a gasoline sales facility and convenience store for a ten-year term, to expire on March 23, 2036, *on condition* that all work and site conditions shall substantially conform to drawings filed with this application marked ‘Approved Plans’ — Two (2) sheets, received on March 18, 2026; and *on further condition*:

THAT the term of the grant shall expire on March 23, 2036;

THAT with regards to the spray booth located on the second floor, the BSA-approved plan refers to DOB approved plan dated June 13, 2025, DOB job number M01230629-L1;

THAT the spraying operations shall be discontinued until the fire extinguishing system in the installed spray booth is tested before a Fire Department representative and determined to be in good working order in accordance with Fire Safety Code §§ 901.5 and 904.1.2;

THAT a certificate of occupancy, also indicating this approval and calendar number (‘BSA Cal. No. 416-87-BZ’), shall be obtained within 24 months, by March 23, 2028;

THAT all signage located within the R7-A zoning district shall comply with C1 district regulations and all signage located within the C6-1 zoning district shall comply with the applicable C6-1 zoning district regulations;

THAT the Premises shall be maintained clean and clear of debris and graffiti;

THAT all lighting shall be pointed away from neighboring residential dwellings and there shall be no parking on or blockage of the sidewalks;

THAT there shall be no outdoor storage;

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

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

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

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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 plans or configurations not related to the relief granted.”

**Adopted by the Board of Standards and Appeals, March 23, 2026.**

**CERTIFICATION**

**This copy of the resolution  
dated March 23, 2026  
is hereby filed by the  
Board of Standards and Appeals  
on April 6, 2026.**



**Carlo Costanza  
Executive Director**