

**56-06-BZ**

**APPLICANT** – The Law Office of Fredrick A. Becker, for Suri Blatt and Steven Blatt, owner.

**SUBJECT** – Application March 27, 2006 – Pursuant to ZR §73-622 Special Permit for the enlargement of an existing one family residence which exceeds the maximum allowed floor area and decreases the minimum allowed open space as per ZR §23-141 and has less than the minimum required rear yard as per ZR §23-47.

**PREMISES AFFECTED** – 1060 East 24th Street, East 24th Street between Avenue J and Avenue K, Block 7605, Lot 70, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

**APPEARANCES** –

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** – Application granted.

**THE VOTE TO CLOSE HEARING** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Collins and Commissioner Ottley-Brown.....4  
Negative:.....0

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Collins and Commissioner Ottley-Brown.....4  
Negative:.....0

**THE RESOLUTION:**

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 24, 2006, acting on Department of Buildings Application No. 302085213, reads in pertinent part:

- “1. Proposed floor area contrary to ZR 23-141(a).
2. Proposed open space ratio contrary to ZR 23-141(a).
3. Proposed rear yard contrary to ZR 23-47.”; 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 dwelling, which does not comply with the zoning requirements for Floor Area Ratio (FAR), floor area, open space ratio, and rear yard, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on August 22, 2006, after due notice by publication in *The City Record*, with continued hearing on September 19, 2006, and then to decision on October 17, 2006; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chair Srinivasan and Commissioner Collins; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject lot is located on the west side of East 24<sup>th</sup> Street, between Avenue J and Avenue K; and

WHEREAS, the subject lot has a total lot area of 5,625 sq. ft., and is occupied by a 2,701.5 sq. ft. (0.48 FAR) single-family home; 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 2,701.5 sq. ft. (0.48 FAR) to 5,850.34 sq. ft. (1.04 FAR); the maximum floor area permitted is 2,812.5 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will reduce the open space ratio from 151.81 percent to 51.75 percent (150 percent is the minimum permitted) and the open space from 4,101.16 sq. ft. to 3,012 sq. ft. (the minimum required open space is 4,218.75 sq. ft.); and

WHEREAS, the proposed enlargement will reduce the rear yard from 31’-4 ¾” to 21’-10” (the minimum rear yard required is 30’-0”); and

WHEREAS, the enlargement of the building into the rear yard is not located within 20’-0” of the rear lot line; and

WHEREAS, both the proposed wall height of 22’-9 ½” and the total height of 35’-11 ¾” comply with district regulations; and

WHEREAS, at hearing, the Board expressed concern that the proposal did not meet the criteria for a home enlargement; and

WHEREAS, specifically, the Board was concerned that not enough of the existing home would be retained; and

WHEREAS, further, those portions of the existing home that the applicant proposed to retain had no relationship to the proposed home; and

WHEREAS, in response, the applicant submitted revised plans indicating that a larger portion of the north wall would be retained at the cellar level and on the first and second floors; and

WHEREAS, in addition, the revised plans illustrate a more practical plan for the existing walls and floor joists proposed to be retained; and

WHEREAS, after a review of the revised plans, the Board agrees that the applicant now proposes an actual enlargement; and

WHEREAS, the Board also expressed concern about the compatibility of the proposed home’s bulk and asked the applicant to submit detailed information about the bulk parameters of homes in the vicinity; and

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WHEREAS, in response, the applicant submitted a table listing the existing FAR and lot size of all the homes on both sides of East 24<sup>th</sup> Street within a 200 ft. radius of the site; and

WHEREAS, the applicant asserts that one-third of the homes on East 24<sup>th</sup> Street within the 200 ft. radius of the site have an FAR of 1.0 or greater; and

WHEREAS, the Board asked for documentation to support this assertion; and

WHEREAS, the applicant submitted documentation from DOB and Oasis databases; and

WHEREAS, at the Board's request, the applicant also submitted photographs of two of the comparable nearby homes; and

WHEREAS, further, the applicant submitted a streetscape that illustrates that the street is occupied with a number of comparably-sized homes; and

WHEREAS, the Board agrees that the general vicinity includes large homes comparable in size to the proposed; and

WHEREAS, the Board also notes that the FAR increase is comparable to other FAR increases that the Board has granted through the subject special permit in the subject zoning district; and

WHEREAS, accordingly, 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, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for FAR, floor area, open space ratio, and rear yard, contrary to ZR §§ 23-141 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 "October 3, 2006"–(13) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the attic shall contain a maximum of 768.6 sq. ft.;

THAT the above conditions shall be set forth in the certificate of occupancy;

THAT the following shall be the bulk parameters of the building: a total floor area of 5,850.34 sq. ft., a total FAR of 1.04, a wall height of 22'-9 1/2", and a total height of 35'-11 3/4", all as illustrated on the BSA-approved plans;

THAT the portions of the foundation, floors, and walls shall be retained and not demolished as indicated on the BSA-approved plans labeled Sheets A-1.1, A3, A4, A5, A6, and A8, stamped October 3, 2006;

THAT those portions of the foundation, floors, and walls to be retained as indicated on the BSA-approved plans shall be indicated on any plan submitted to DOB for the issuance of alteration and/or demolition permits;

THAT the use and layout of the cellar shall be as approved by DOB;

THAT the porches shall be as approved by DOB;

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; 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, October 17, 2006.