

617-56-BZ

APPLICANT – Kenneth H. Koons, R.A., for John O'Dwyer, owner.

SUBJECT – Application December 4, 2008 – Extension of Term/waiver for the continued use of a (UG8) parking lot which expired on September 27, 2007 in an R6 (C1-3, C2-3) zoning district.

PREMISES AFFECTED – 3120 Albany Crescent, east side, 72.7' north of West 231st Street, Block 3267, Lot 15, Borough of Bronx.

COMMUNITY BOARD #15BX

APPEARANCES – None.

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, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term of a previously granted variance for a parking lot (Use Group 8) with parking and storage of more than five vehicles, which expired on September 27, 2007; and

WHEREAS, a public hearing was held on this application on January 13, 2009, after due notice by publication in *The City Record*, with a continued hearing on February 10, 2009, and then to decision on February 24, 2009; and

WHEREAS, Community Board 8, Bronx, recommends approval of this application; and

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

WHEREAS, the site is located on the east side of Albany Crescent, between West 231st Street and West 233rd Street, within an R6 (C1-3, C2-3) zoning district; and

WHEREAS, the site is occupied by a parking lot with 66 spaces; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 9, 1957 when, under the subject calendar number, the Board granted a variance to permit the premises to be occupied by a parking lot with parking and storage of motor vehicles for a term of five years; and

WHEREAS, subsequently, the grant has been amended and the term extended several times; and

WHEREAS, most recently, on January 13, 1998, the

A true copy of resolution adopted by the Board of Standards and Appeals, February 24, 2009.

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To Applicant

Fire Com'r.

Borough Com'r.

grant was extended for a term of ten years, which expired on September 27, 2007; and

WHEREAS, the applicant now seeks to extend the term of the variance for an additional ten years; and

WHEREAS, the applicant represents that there have not been any changes to the site; and

WHEREAS, at hearing, the Board requested that the applicant screen the subject site from the surrounding residential neighborhood; and

WHEREAS, in response, the applicant submitted a revised site plan depicting the installation of vinyl slat enclosures in the existing chain link fence along the northern, southern and western boundaries of the parking lot, creating a 50 percent opaque effect; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, based upon its review of the record, the Board finds that the requested 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, as adopted on April 9, 1957, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from September 27, 2007, to expire on September 27, 2017, *on condition* that any and all work shall substantially conform to drawings filed with this application marked “Received January 27, 2009”- (1) sheet; and *on further condition:*

THAT the term of this grant shall expire on September 27, 2017;

THAT the above condition shall be listed on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained by August 24, 2009;

THAT all conditions from prior resolutions 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)/configuration(s) not related to the relief granted.” (DOB Application No. 210076745)

Adopted by the Board of Standards and Appeals, February 24, 2009.