

64-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Moshe Dov Stern & Goldie Stern, owners.

SUBJECT – Application April 29, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1320 East 23rd Street, west side of East 23rd Street between Avenue M and Avenue N, Block 7658, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings (“DOB”), dated April 8, 2014, acting on DOB Application No. 320778967, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required;
3. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required;
4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within 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 (“OSR”), side yards, and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on September 9, 2014, after due notice by publication in *The City Record*, with continued hearings on October 28, 2014, December 9, 2014, January 13, 2015, March 24, 2015, April 28, 2015, May 19, 2015, and July 14, 2015, and then to decision on August 25, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site is located on the west side of East 23rd Street, between Avenue M and Avenue N, within an R2 zoning district; and

WHEREAS, the site has 40 feet of frontage along East 23rd Street, a depth of 100 feet, and 4,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single-family home with 2,124.82 sq. ft. of floor area (0.53 FAR); and

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

WHEREAS, the applicant now seeks to enlarge the building, resulting in an increase in the floor area from 2,124.82 sq. ft. (0.53 FAR) to 4,015.64 sq. ft. (1.0 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 138.3 percent to 54.6 percent; the minimum required open space ratio is 150 percent; and

WHEREAS, the applicant seeks to maintain and extend its non-complying side yard and reduce the width of its complying side yard so that the existing widths of 2’-9” and 12’-0” respectively shall be reduced to 2’-9” and 8’-0”; the requirement is two side yards with a minimum total width of 13’-0” and a minimum width of 5’-0” each; and

WHEREAS, the applicant seeks to decrease its non-complying rear yard from 24’-5” to 22’-0”; the requirement is a minimum depth of 30’-0”; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, at hearing, the Board expressed concern about the impact of the proposed 20’-0” rear yard and the massing of the proposed building; and

WHEREAS, in response, the applicant increased the proposed rear yard to 22’-0” and changed the shape and style of the front dormer and curved edge of the roof of the building, to reduce the apparent mass thereof; 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

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, to permit, on a site within an R2 zoning district, the proposed enlargement of a single-family home which does not

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comply with the zoning requirements for floor area ratio ("FAR"), open space ratio ("OSR"), side yards, and rear yards, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received August 6, 2015" –(14) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,015.64 sq. ft. (1.0 FAR), a minimum open space ratio of 54.6 percent, side yards of 2'-9" and 8'-0", and a rear yard with a minimum depth of 22'-0", all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by August 25, 2019; and

THAT DOB 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, August 25, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, August 25, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

