

7-51-BZ

APPLICANT – Eric Palatnik, P.C., for 6717 4th Avenue, LLC, owner.

SUBJECT – Application December 29, 2004 – Extension of Term/Waiver permitting in a business use district, Use Group 6, using more than the permitted area and to permit the parking of patron's motor vehicles in a residence use portion of the lot. The subject premises is located in an R-6/R7-1(C1-3) zoning districts.

PREMISES AFFECTED – 6717/35 Fourth Avenue, northeast corner of Senator Street, Block 5851, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

Abstain: Commissioner Collins.....1

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the previously granted variance pursuant to Z.R. §11-411; and

WHEREAS, a public hearing was held on this application on December 6, 2005, after due notice by publication in *The City Record*, and then to decision on January 10, 2006; and

WHEREAS, Community Board No. 10, Brooklyn, recommends approval of this application; and

WHEREAS, the premises is located on the northeast corner of Fourth Avenue and Senator Street; and

WHEREAS, the site is currently located partially within an R6 zoning district and partially within an R7-1 zoning district with a C1-3 overlay; and

WHEREAS, the premises is improved upon with an existing two-story commercial structure, with a drug store and laundromat on the ground floor and offices on the second floor; and

WHEREAS, the Board has exercised jurisdiction over the subject site since 1951, when, under the subject calendar number, the Board granted an application to permit the construction and maintenance of a business building with more than the permitted floor area, and to permit parking of patron's motor vehicles in the residence use portion of the lot for a term of ten years; and

WHEREAS, subsequently, this grant has been amended and extended by the Board at various times; and

WHEREAS, the most recent extension of term was granted on November 3, 1993, and expired on February 6,

A true copy of resolution adopted by the Board of Standards and Appeals, January 10, 2006.

Printed in Bulletin Nos. 1-3, Vol. 91.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

2003; and

WHEREAS, upon a review of the application, the Board observed that violations had been issued to the premises by the Department of Buildings, and asked the applicant to address them; and

WHEREAS, the applicant responded that the violations arose because the laundromat that is currently located on the premises has no license from the Department of Consumer Affairs; the applicant noted that in order to obtain the license, the owner needs a new Certificate of Occupancy (CO) reflecting the as-of-right laundromat use, but cannot obtain its new CO until it receives an extension of time from the Board for the variance; and

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

WHEREAS, based upon the submitted evidence, the Board finds the requested extension of term appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens and amends* the resolution, as adopted on May 22, 1951, as subsequently extended, so that as amended this portion of the resolution shall read: "to extend the term for ten years from February 6, 2003, to expire on February 6, 2013, *on condition* that the use shall substantially conform to drawings as filed with this application, marked 'Received December 29, 2004'-(4) sheets, 'September 30, 2005'-(1) sheet and 'December 9, 2005'-(3)sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on February 6, 2013;

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

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. 301881382)

Adopted by the Board of Standards and Appeals, January 10, 2006.