

**9-12-BZ**

**CEQR #12-BSA-065K**

APPLICANT – Eric Palatnik, P.C., for Mikhail Dadashev, owner.

SUBJECT – Application January 17, 2012 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141). R3-1 zoning district.

PREMISES AFFECTED – 186 Girard Street, corner of Oriental Boulevard and Girard Street, Block 8749, Lot 278, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

**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, the decision of the Brooklyn Borough Commissioner, dated January 15, 2012, acting on Department of Buildings Application No. 320396308, reads in pertinent part:

Proposed floor area ratio is contrary to ZR 23-141(a); and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), contrary to ZR § 23-141; and

WHEREAS, a public hearing was held on this application on July 17, 2012, after due notice by publication in *The City Record*, with continued hearings on August 21, 2012, September 25, 2012, October 30, 2012 and January 29, 2013, and then to decision on February 12, 2013; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the northwest corner of Girard Street and Oriental Boulevard, within an R3-1 zoning district; and

WHEREAS, the subject site has a total lot area of 10,800 sq. ft., and is occupied by a single-family home with a floor area of 2,978 sq. ft. (0.28 FAR); 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 2,978 sq. ft. (0.28 FAR) to 9,388 sq. ft. (0.86 FAR); the maximum permitted floor area is 5,400

sq. ft. (0.50 FAR); 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 questioned which portions of the original home were being retained, and whether the proposed home fits within the permitted building envelope in the underlying R3-1 zoning district; and

WHEREAS, in response, the applicant submitted revised plans which reflect that portions of the floors and walls at the cellar, first, and second floors of the home will remain; and

WHEREAS, the applicant represents that the revised plans reflect a complying building envelope, and provided a Zoning Resolution Determination form that it submitted to DOB to request confirmation that the proposed roof design complies with the permitted building envelope, pursuant to ZR § 23-631; 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, 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 R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, contrary to ZR § 23-141; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received January 15, 2013”- (13) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 9,388 sq. ft. (0.86 FAR), as illustrated on the BSA-approved plans;

THAT the envelope of the building will be reviewed by DOB for compliance with the underlying R3-1 district regulations;

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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 will be considered approved only for the portions related to the specific relief granted;

THAT substantial construction be completed in accordance with ZR § 73-70; 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, February 12, 2013.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 12, 2013.  
Printed in Bulletin No. 7, Vol. 98.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**