

9-98-BZ

APPLICANT - Joseph Pell Lombardi and Associates, Architects, for South-Wythe Properties, LLC, owner.

SUBJECT - Application January 28, 1998 - under Z.R. §72-21, to permit, within an R-6 zoning district, the construction of a five story, purely residential building, which is contrary to Z.R. §23-142

PREMISES AFFECTED - 76 South 8th Street, south side, 100' east of Wythe Avenue, Block 2136, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Joseph Lombardi.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Joseph.....4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated July 15, 1998 acting on Application No. 300485339, reads:

“FAR has been exceeded as per ZR 23-142.”; and

WHEREAS, Community Board No.1, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on July 21, 1998 after due notice by publication in the Bulletin and laid over to August 11, 1998 for decision; and

WHEREAS, this is an application under Z.R. §72-21 to permit, within an R-6 zoning district, the construction of a five story, purely residential building, which is contrary to Z.R. §23-142; and

WHEREAS, the site has a total lot area of approximately 6,885 square feet and has approximately 54'-2" of frontage on South 8th Street; and

WHEREAS, the R-6 zoning district permits residential uses with a FAR of 2.20 and the proposed building presently being built has a FAR of 2.72 which is in conformance with community facility requirements; and

WHEREAS, the original plan for the building was a mixed use consisting of a community facility on the first floor and residential uses on the second through fifth floors; and

WHEREAS, the applicant represents that the substantial cost incurred because of extensive rock encountered during the excavation lead the building to be financially obsolete for its intended purposes; and

WHEREAS, the applicant represents the efforts by the owners to rent the first floor of the building to a conforming community facility have proven futile; and

WHEREAS, the applicant represents that the Board has previously found a basis for meeting the requirements of Z.R. 72-21(a), where an owner experienced difficulty in renting community facilities within the vicinity of subject premises; and

WHEREAS, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates practical difficulty and unnecessary hardship; and

WHEREAS, the applicant represents that in order to acquire a reasonable return on investment, the first floor must be leased as residences rather than a community facility; and

WHEREAS, the applicant represents that the economic analysis report concludes that the size of the units would command a low rent in the market place for community facility uses; and

WHEREAS, the applicant represents that the evidence in the record, including a feasibility study and cost of additional construction, demonstrates that the constraints placed on the site would not yield a reasonable return; and

WHEREAS, the applicant represents that the lot coverage and lot area per dwelling unit is far less than that required by the underlying zoning requirements; and

WHEREAS, the applicant represents that the community facility space of 3,834 square feet, even combined with the cellar space, is far smaller than the minimum 5,000 square feet of the underlying zoning requirements; and

WHEREAS, the applicant represents that the character of the neighborhood is reflected by over fifty residential apartment buildings within a 400-foot radius of the building; and

WHEREAS, the applicant represents that the proposed residential use actually generates less traffic associated in the same area as a community facility; and

WHEREAS, the applicant represents that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property, nor be detrimental to the public welfare; and

WHEREAS, the applicant represents that the financial burden was not foreseeable at the time construction began and, therefore, was not self-created; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution to permit, within an R-6 zoning district, the construction of a five story, purely residential building, which is contrary to

9-98-BZ

Z.R. §23-142, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked, "Received June 2, 1998"-(12) sheets, "Received June 15, 1998" -(2) sheets; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-21.

Adopted by the Board of Standards and Appeals, August 11, 1998.

A true copy of resolution adopted by the Board of Standards and Appeals, August 11, 1998.
Printed in Bulletin No. 34, Vol. 83.

Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.

