

98-05-BZ, Vol. II

APPLICANT – Friedman & Gotbaum, LLP by Shelly S. Friedman, Esq., for Lauto Group, Limited, c/o Anthony Lauto, owner; 48 Bonhaus Corporation, c/o Dac Bon LLC, lessee.

SUBJECT – Application December 1, 2006 – To reopen and amend a previously-approved zoning variance which allowed a residential multiple dwelling (UG 2) with ground floor retail use (UG 6) in an M1-5B district; contrary to use regulations (§42-10). Proposed modifications include: (1) minor reduction of the ground floor commercial floor area and (2) increase in mechanical space on the ground floor; and (3) the creation of a 143 sq. ft. rooftop "storage cabin."

PREMISES AFFECTED – 46-48 Bond Street, north side of Bond Street 163/5' west of the corner formed by the intersection of Bond Street and Bowery, Block 530, Lots 44 and 31, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4
Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an amendment to a previously granted variance for modifications to the approved 11-story mixed-use residential and commercial building; and

WHEREAS, a public hearing was held on this application on March 6, 2007 after due notice by publication in *The City Record*, and then to decision on March 20, 2007; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Commissioner Srinivasan, Vice-Chair Collins, and Commissioner Hinkson; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application on the condition that the new space be restricted to storage and not be used as an extension of the living space of the adjoining apartment; and

WHEREAS, the subject premises is located on the north side of Bond Street, between Lafayette Street and the Bowery, within an M1-5B zoning district; and

WHEREAS, Lot 31 is occupied by a one-story commercial building, which will remain, and Lot 44 is occupied by the foundation for the proposed building; and

WHEREAS, the site has a total lot area of 8,047 sq. ft.; and

WHEREAS, on November 15, 2005, the Board granted a variance, pursuant to ZR § 72-21, to permit the construction of an 11-story mixed-use residential and

commercial building at the premises; and

WHEREAS, on March 24, 2006, by letter, the Board permitted certain modifications to the plan; these changes include modifications to the interior, relocation of the bulkheads, and the addition of a management office; and

WHEREAS, the applicant now proposes to create an additional space on the roof (the "roof cabin"), with a floor area of 143 sq. ft., to serve as a storage area connected to the eleventh floor dwelling unit; and

WHEREAS, specifically, the roof cabin will be built behind the stair bulkhead and is planned as a storage space for the adjoining apartment; and

WHEREAS, the modifications result in a minor increase in the residential floor area from 34,732 sq. ft (4.32 FAR) to 35,015 sq. ft. (4.35 FAR); and

WHEREAS, however, the applicant represents that due to a recalculation of the floor area on the first floor, the total combined floor area of the proposed building and the existing one-story commercial building is reduced slightly to 40,062 sq. ft. (4.997 FAR), even with the inclusion of the roof cabin; and

WHEREAS, the Board notes that the 143 sq. ft. increase in floor area is minor and that the revised floor area and FAR are within the parameters approved by the Board; and

WHEREAS, the Board also notes that at the time of the variance application, the building was initially proposed to have a height of 129'-0", without bulkheads, but that the Board directed the applicant to reduce the height to 120'-0" at the eleventh floor and to allow for the total height, with bulkheads, to be 130'-0"; and

WHEREAS, the applicant represents that the current revisions provide for a reduction in the total height, with bulkheads, to 128'-11"; and

WHEREAS, the roof cabin will be accommodated within the 128'-11" total building height; and

WHEREAS, additionally, the Board notes that the proposed roof cabin will be positioned behind the bulkhead so that it is not visible from the street and the roof is occupied by a private deck associated with the eleventh floor apartment; and

WHEREAS, based upon its review of the record, the Board finds that the proposed modification is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens*, and *amends* the resolution, dated November 15, 2005, so that as amended this portion of the resolution shall read: "to grant a modification to the roof plan to permit the construction of a roof cabin; *on condition* that all work and site conditions shall comply with drawings marked 'Received March 2, 2007'—seven (7) sheets and 'Received March 14, 2007'—two (2) sheets; and *on condition*:

98-05-BZ, Vol. II

THAT the floor area of the roof cabin shall be limited to 143 sq. ft.;

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) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 104469996)

Adopted by the Board of Standards and Appeals,
March 20, 2007.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 20, 2007.
Printed in Bulletin No. 13, Vol. 92.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.