

**186-13-BZ**

APPLICANT – Harold Weinberg, P.E., for Apostollis Goutsios, owner.

SUBJECT – Application June 21, 2013 – Special Permit (§73-622) for an enlargement to an existing single family home, contrary to side yard regulations (ZR 23-461) of the zoning resolution. R5 (BR) zoning district.

PREMISES AFFECTED – 117 Gelston Avenue, east side 125'-13/8" south of 90th Street and 92nd Street, Block 6089, Lot 19, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

**ACTION OF THE BOARD** – Application granted on condition.

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 June 18, 2013, acting on DOB Application No. 320729984, reads in pertinent part:

1. Proposed north side yard in an R5B zone in the Bay Ridge Special Zoning District must be 8'-0" and is contrary to section 23-461 ZR.

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R5B zoning district, within the Bay Ridge Special Zoning District, the proposed enlargement of a single-family home which does not comply with the zoning requirements for side yards contrary to ZR §23-461; and

WHEREAS, a public hearing was held on this application on October 7, 2014, after due notice by publication in *The City Record*, with continued hearings on December 9, 2014 and January 13, 2015, and then to decision on January 30, 2015; and

WHEREAS, Vice Chair Hinkson and Commissioners Montanez and Ottley-Brown performed an inspection of the subject premises and site, together with its surrounding area and neighborhood; and

WHEREAS, Community Board 10, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the east side of Gelston Avenue, between 90<sup>th</sup> Street and 92<sup>nd</sup> Street, within an R58 zoning district, within the Special Bay Ridge District; and

WHEREAS, the site has approximately 25 feet of frontage along Gelston Avenue and approximately 2,904 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-family residence with 3,443 sq. ft. of floor area (1.2 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 and increase its floor area from 3,443 sq.

ft. (1.2 FAR) to 3,845 sq. ft. (1.3 FAR); the maximum permitted floor area is 3,925 sq. ft. (1.35 FAR); and

WHEREAS, the applicant seeks to maintain an existing side yard of 4'-3" at the north of the building and of 0'-3" at the south of the building, notwithstanding that there exists fewer than 8' of open space between the subject building and the residential building to its south; the requirement is a single side yard with a minimum total width of 8'-0" and a total of 8' between buildings containing residential uses; 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, 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 R5B zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for side yards contrary to ZR § 23-461; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “January 20, 2015”– (8) sheets; and *on further condition*:

THAT the applicant will maintain a side yard with a minimum width of 4'-3" at the north of the building and a side yard with a minimum width of 0'-3" at the south of the building, as illustrated on the BSA-approved plans;

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

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 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, January 30, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, January 30, 2015.**

**Printed in Bulletin Nos. 5-6, Vol. 100.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

