

270-13-BZ

APPLICANT – Eric Palatnik, P.C., for Margaret Angel, LLC, owner.

SUBJECT – Application September 13, 2013 – 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 – 288 Dover Street, Dover Street, south of Oriental Boulevard, Block 8417, Lot 38, 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 Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner of the New York City Department of Buildings (“DOB”), dated November 15, 2013, acting on DOB Application No. 320846028, reads in pertinent part:

Proposed floor area ratio is contrary to Section 23-141(b) of the Zoning Resolution; and

WHEREAS, this is an application under ZR § 73-622, 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 March 4, 2014, after due notice by publication in *The City Record*, with a continued hearing on April 1, 2014, and then to decision on April 29, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

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

WHEREAS, the subject site is located on the northwest corner of Dover Street and the Manhattan Beach Esplanade, within an R3-1 zoning district; and

WHEREAS, the site has 127 feet of frontage along Dover Street, 104 feet of frontage along the Manhattan Beach Esplanade, and 13,024 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single-family home with 3,839 sq. ft. of floor area (0.3 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 an increase in the floor area from 3,839 sq. ft. (0.3 FAR) to 10,570 sq. ft. (0.81 FAR); the maximum permitted floor area is 7,814.4 sq. ft. (0.6 FAR); and

WHEREAS, the applicant states that the building will comply in all other respects with the R3-1 zoning district regulations; 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, the applicant asserts that the proposed 0.81 FAR is consistent with the bulk in the surrounding area; in support of this assertion, the applicant submitted a study of the 59 homes within 400 feet of the site, which reflects that 12 homes have an FAR between 0.75 and 1.0; and

WHEREAS, at hearing, the Board directed the applicant to: (1) clarify the landscaping requirements along the Manhattan Beach Esplanade; and (2) remove the stairs encroaching upon the Manhattan Beach Esplanade; and

WHEREAS, in response, the applicant submitted: (1) a letter from its architect stating that the Manhattan Beach Esplanade is treated as a “street” for the purposes of calculating the required landscaping and number of street trees; and (2) an amended plan omitting the stairs from the original proposal; 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, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR contrary to ZR § 23-141; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received March 11, 2014” – (12) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: two stories, a maximum floor area of 10,570 sq. ft. (0.81 FAR), a maximum lot coverage of 33.4 percent, side yards with minimum widths of 26’-9” and 8’-2”, a maximum perimeter wall height of 21’-0”, and a maximum building height of 34’-1”, as illustrated on the BSA-approved plans;

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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);

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, April 29, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 29, 2014.
Printed in Bulletin Nos. 16-18, Vol. 99.**

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

