

271-13-BZ

APPLICANT – Eric Palatnik, P.C., for Viktoriya Midyany, owner.

SUBJECT – Application September 17, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and lot coverage (§23-141); side yard (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district.

PREMISES AFFECTED – 129 Norfolk Street, Norfolk Street, between Shore Boulevard and Oriental Boulevard, Block 8757, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 September 16, 2013, acting on DOB Application No. 320765043, reads in pertinent part:

The proposed horizontal and vertical enlargement of the existing one-family residence in an R3-1 Zoning District:

1. Creates a new non-compliance with respect to Lot Coverage and is contrary to Section 23-141(b) ZR.
2. Creates a new non-compliance with respect to Floor Area and is contrary to Section 23-141(b) ZR.
3. Creates a new non-compliance with respect to the Rear Yard and is contrary to Section 23-47 ZR.
4. Increases the degree of non-compliance with respect to the side yard(s) and is contrary to Sections 23-461(a) ZR and 54-31 ZR.

WHEREAS, this is an application under ZR § 73-622, to permit, on a site 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”), open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on July 29, 2014, after due notice by publication in *The City Record*, with continued hearings on September 9, 2014, October 7, 2014, November 18, 2014, and January 6, 2015, and then to decision on January 30, 2015; and

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

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

WHEREAS, the subject site is located on the east side of Norfolk Street, between Shore Boulevard and Oriental Boulevard, within an R3-1 zoning district; and

WHEREAS, the site has 25 feet of frontage along Norfolk Street and 2,500 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story, single-family home with 751 sq. ft. of floor area (0.30 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 single-family home by enlarging the first floor of the existing building and adding a second floor, thereby increasing the floor area of the building from 751 sq. ft. (0.30 FAR) to 2,579 sq. ft. (1.02 FAR) (the maximum permitted floor area is 1,500 sq. ft. (0.60 FAR)) and increasing the height of the building from 14’-5” to 32’-0”;

WHEREAS, in order to comply with applicable flood regulations the applicant shall raise the building by removing the existing floor beams from the north and south walls thereof, increasing the height of the shelf upon which the existing floor currently rests using solid brick masonry and replacing the existing floor beams so that the first floor elevation will be increased from 6’-7” to 14’-10”;

WHEREAS, upon raising the first floor of the building, the applicant will create a cellar at the subject premises, which shall stand upon a 6” concrete slab above 4” of gravel, and which shall have a height of 7’-10” and which shall be used for a single accessory parking space and for storage; and

WHEREAS, the applicant seeks to decrease the open space ratio from 70 percent to 52 percent; the minimum required open space ratio is 65 percent; and

WHEREAS, the applicant seeks to maintain an existing side yard width of 0’-11” and increase the width of a non-complying side yard from 0’-7” to 4’-3”; the general requirement is two side yards with a minimum total width of 13’-0” and a minimum width of 5’-0” each, however, as per ZR § 23-48, the minimum total width of 13’-0” is not required at the subject site; and

WHEREAS, the applicant also seeks to decrease its rear yard depth from 30’-2” to 20’-0”; a rear yard with a minimum depth of 30’-0” is required; 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 lot 1.02 FAR and 2,579 sq. ft. of floor area is consistent with the bulk and lot area of one and two-family homes in the surrounding area; and

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WHEREAS, in support of this assertion, the applicant provided evidence of ten one or two-family homes within 400' of the subject site with an FAR in excess of 1.10 and floor area in excess of 3,000 sq. ft.; and

WHEREAS, at hearing, the Board directed the applicant to narrow its analysis of neighborhood character to focus on the block on which the site is located, as such character is, in the subject area, block specific; and

WHEREAS, in response, the applicant identified one and two-family homes on the subject block which consist of two or more stories and provided a streetscape which included the proposed building; 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 R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "December 23, 2014"– (14) sheets; and *on further condition:*

THAT the following will be the bulk parameters of the building: a maximum floor area of 2,579 sq. ft. (1.02 FAR), a minimum open space of 52 percent, side yards with minimum widths of 4'-3" and 0'-11", and a minimum rear yard depth of 20'-0", 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.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

