

## 114-14-BZ

APPLICANT – Eric Palatnik, P.C., for Boris Vaysburd, owner.

SUBJECT – Application May 30, 2014 – Special Permit (§73-622) for enlargement of an existing two story single family dwelling contrary to floor area ratio, open space and lot coverage (ZR 23-141); side yard (ZR 23-461) and less than the rear yard requirements (ZR 23-47). R4 zoning district.

PREMISES AFFECTED – 2442 East 14th Street, between Avenue X and Avenue Y, Block 7415, Lot 24, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

#### THE VOTE TO GRANT –

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 May 21, 2014, acting on DOB Application No. 320915408, reads in pertinent part:

1. Proposed floor area is more than the 0.75 permitted and contrary to ZR 23-141(b)
2. Proposed open space ratio is less than the 55% required and contrary to ZR 23-141(b)
3. Proposed lot coverage is more than the 45% permitted and contrary to ZR 23-141(b)
4. 2 side yards are required for a total of 13’-0” with any side yard a minimum width of 5’-0”. Proposed side yards are less than required and contrary to ZR 23-461(a)
5. Proposed rear yard is less than the 30 feet required and contrary to ZR 23-47; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R4 zoning district, the proposed enlargement of a two-story, single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, lot coverage, side yards, and rear yards, contrary to ZR §§ 23-141, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on October 28, 2014, after due notice by publication in *The City Record*, with continued hearings on December 9, 2014, January 6, 2015, and February 3, 2015, and then to decision on March 3, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site is located on the west side of East 14<sup>th</sup> Street, between Avenue X and Avenue Y, within an R4 zoning district; and

WHEREAS, the site has 25 feet of frontage along East 14<sup>th</sup> Street, a depth of 100 feet, and 2,500 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, single-family home with 1,458 sq. ft. of floor area (0.58 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, resulting in an increase in the floor area from 1,458 sq. ft. (0.58 FAR) to 3,388 sq. ft. (1.35 FAR); the maximum permitted floor area is 2,250 sq. ft. (0.9 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 75 percent to 42 percent; the minimum required open space ratio is 55 percent; and

WHEREAS, the applicant seeks to increase the lot coverage of the subject building from 25 percent to 58 percent; the maximum lot coverage is 45 percent; and

WHEREAS, the applicant seeks to vertically extend its non-complying side yards, which have widths of 2’-2” (to the south) and 1’-7” (to the north); the requirement is a minimum width of 5’-0” at each side yard and a total side yard width of 13’-0”; and

WHEREAS, the applicant seeks to decrease its rear yard from 67’-0” to 27’-0”; the requirement is a minimum depth of 30’-0”; 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 Board directed the applicant to provide a photographic streetscape diagram of the subject block in order to illustrate the impact of the requested bulk waivers on the character of the subject neighborhood; and

WHEREAS, at hearing, the Board expressed concern that the proposal complied with 1968 Building Code with respect to light and air; and

WHEREAS, in response, the applicant submitted a letter from the project architect confirming that the proposed project meets the requirements of the 1968 Building Code for natural ventilation and natural light; and

WHEREAS, at hearing, the Board expressed concern about the impact of the initially proposed 25’-0” rear yard; and

WHEREAS, the applicant submitted a land use study to support its assertion that the initially proposed 25’-0” rear yard was characteristic of buildings on the block and consistent with neighborhood character; and

WHEREAS, the Board rejected the findings of the applicant’s land use study and directed the applicant to

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increase the size of the proposed rear yard from 25'-0" to 27'-0"; and

WHEREAS, in response, the applicant submitted amended plans, diagrams and zoning analyses, incorporating the Board's directions and increasing the size of the rear yard; 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 R4 zoning district, the proposed enlargement of a two-story, single-family home, which does not comply with the zoning requirements for FAR, open space ratio, lot coverage, side yards, and rear yards, 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 "February 29, 2015"– (9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,388 sq. ft. (1.35 FAR), a minimum open space ratio of 42 percent, and a maximum lot coverage of 58 percent, minimum side yard widths of 2'-2" (south) and 1'-7" (north) and a rear yard with a minimum depth of 27'-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 DOB/other jurisdiction objections(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by March 3, 2019; 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, March 3, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 3, 2015.**

**Printed in Bulletin No. 11, Vol. 100.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

