

160-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Yitzchok and Hindy Blumenkrantz, owners.

SUBJECT – Application May 28, 2013 – Special Permit (§73-622) for the enlargement of an existing single home, contrary to floor area and open space (§23-141); side yard (§23-461) and rear yard (§23-47) regulations. R2 zoning district.

PREMISES AFFECTED – 1171-1175 East 28th Street, east side of East 28th Street between Avenue K and Avenue L, Block 7628, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4
Negative:.....0
Absent: Vice Chair Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner of the New York City Department of Buildings (“DOB”), dated May 7, 2013, acting on DOB Application No. 320712001, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141, in that the proposed floor area ratio exceeds the maximum permitted
2. Proposed plans are contrary to ZR 23-141, in that the proposed open space ratio is less than the minimum required
3. Proposed plans are contrary to ZR 23-461, in that the proposed side yard is less than the minimum required
4. Proposed plans are contrary to ZR 23-47, in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, within an R2 zoning district, the proposed enlargement of a detached, 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 February 25, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 25, 2014, and then to decision on April 8, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of East 28th Street, between Avenue K and Avenue L, within an R2 zoning district; and

WHEREAS, the site, which is three tax lots (Lots 14, 15, and 16) that are to be combined into a single tax and zoning lot, has approximately 67 feet of frontage along East 28th Street and approximately 6,667 sq. ft. of lot area; and

WHEREAS, the site is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant notes that Lot 14 is occupied by a detached single-family home with approximately 1,320 sq. ft. of floor area (0.5 FAR), Lot 15 is occupied by a semi-detached two-family home with approximately 1,429 sq. ft. (0.72 FAR), and Lot 16 is occupied by semi-detached two-family home with approximately 1,429 sq. ft. (0.72 FAR); and

WHEREAS, the applicant proposes to demolish the buildings on Lots 14 and 15 and enlarge the building on Lot 16; and

WHEREAS, specifically, the applicant seeks an increase in the floor area from of 1,429 sq. ft. (0.72 FAR) (as measured only with respect to the lot area of Lot 16) to 6,696 sq. ft. (1.0 FAR) (as measured with respect to the combined lot area of Lots 14, 15, and 16, which, as noted above, is approximately 6,667 sq. ft.); the maximum permitted floor area is 3,333 sq. ft. (0.50 FAR); and

WHEREAS, the applicant seeks to reduce the existing, non-complying open space ratio (as measured only with respect to Lot 16) from 85 percent to 66 percent (as measured with respect to the combined lot area of Lots 14, 15, and 16); the minimum required open space ratio is 150 percent; and

WHEREAS, the applicant seeks to maintain one existing, non-complying side yard (on Lot 16) with a width of 3’-10” and increase the width of the other existing non-complying side yard (on Lot 16) from 0’-0” to 9’-8” (the requirement is two side yards with a minimum total width of 13’-0” and a minimum width of 5’-0” each); and

WHEREAS, the applicant also seeks to decrease its rear yard depth (on Lot 16) from 38’-1” to 20’-0”; a minimum rear yard 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, in particular, the applicant represents that there are five other nearby sites (on the subject block or on the adjacent block) with similar lot area to the site’s 6,667 sq. ft.; and

WHEREAS, in addition, the applicant represents that the proposed 1.0 FAR is consistent with the bulk in the surrounding area and notes that there are 11 homes within the subject R2 district with FARs ranging from 1.0

160-13-BZ

to 1.14, eight of which were enlarged pursuant to a special permit from the Board; and

WHEREAS, at hearing, the Board directed the applicant to: (1) remove the parking space from the front of the building; and (2) include paths to each entrance at the front of the building; and

WHEREAS, in response, the applicant submitted amended plans showing a complying parking space and paths leading to each front entrance; 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 R2 zoning district, the proposed enlargement of a detached, 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 "Received March 12, 2014"-(11) sheets and "April 2, 2014"-(2) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 6,696 sq. ft. (1.0 FAR), a minimum open space ratio of 66 percent, side yards with minimum widths of 3'-10" and 9'-8", 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,

A true copy of resolution adopted by the Board of Standards and Appeals, April 8, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

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 8, 2014.

