

751-78-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Baron Properties III, Inc., owner.

SUBJECT – Application October 1, 2013 – Extension of Term of a previously granted under variance (§72-21) for the continued operation of a UG16 Automotive Repair Shop (*Genesis Auto Town*) which expired on January 23, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on September 12, 2001; Waiver of the Rules. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 200-15 Northern Boulevard, northwest corner of intersection of Northern Boulevard and 201st Street, Block 6261, Lot 30, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Commissioner Hinkson, Commissioner Ottley-Brown and Commissioner Montanez3

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of term for a variance permitting an automotive repair shop within a residence district, which expired on January 23, 2009; and

WHEREAS, a public hearing was held on this application on May 13, 2014, after due notice by publication in *The City Record*, with continued hearings on June 17, 2014, and July 29, 2014, and then to decision on August 19, 2014; and

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

WHEREAS, Community Board 11, Queens, recommends approval of the application, subject to the following conditions: (1) that the premises shall be kept clean of debris and graffiti; (2) that no repairs shall be performed in the street or on the sidewalk; (3) that the sidewalk shall not be blocked; (4) that there shall be no overnight parking of trucks or cars except those vehicles that are awaiting service; (5) that the hours of operation shall be limited to Monday through Friday, from 8:00 a.m. to 8:00 p.m., Saturday, from 8:00 a.m. to 6:00 p.m., and closed on Sunday; and (6) that the tire racks in front of the building and the tires stored in the northwest corner of the premises shall be permanently relocated to a storage container and/or placed within the bays; and

WHEREAS, Queens Borough President Melinda Katz recommends approval of the application, provided that the applicant complies with the conditions of Community Board 11; and

WHEREAS, certain members of the surrounding community, including a representative from the

Auburndale Improvement Association, testified in opposition to the proposed hours of operation; in addition, certain members expressed concern with the presence of stacked tires at the site, the colors of the building and the storage container, the poor management of the dumpster, the noise of idling vehicles, and the lack of landscaping; and

WHEREAS, the subject site is the triangular block bounded by 201st Street, 43rd Avenue, and Northern Boulevard; it is located within a C2-2 (R3-2) zoning district; and

WHEREAS, the site has approximately 71 feet of frontage along 201st Street, approximately 128 feet of frontage along 43rd Avenue, approximately 152 feet of frontage along Northern Boulevard, and 5,186 sq. ft. of lot area; it is occupied by a one-story automotive repair shop with approximately 1,659 sq. ft. of floor area (0.32 FAR); and

WHEREAS, the Board has exercised jurisdiction over the site since October 7, 1952, when, under BSA Cal. No. 22-52-BZ, it granted, pursuant to 1916 Zoning Resolution §§ 7f, 7i, and 7h, an application to permit in a business use district the change in occupancy from sale and display of more than five motor vehicles to a gasoline service station, lubritorium, car washing, motor vehicle repair shop, office, and parking and storage of motor vehicles, for term of 15 years, to expire on October 7, 1967; and

WHEREAS, on October 17, 1967, the grant was extended for a term of ten years; and

WHEREAS, on January 23, 1979, under the subject calendar number, the Board granted an application pursuant to ZR §§ 11-412 and 11-413 to permit the change in use from an automotive service station with accessory uses to an automobile repair and muffler installation establishment; and

WHEREAS, on May 2, 1989, the grant was extended and amended to permit a storage container at the site; and

WHEREAS, most recently, on September 12, 2000, the grant was extended for a term of ten years, to expire on January 23, 2009; and

WHEREAS, accordingly, the applicant now seeks an extension of the term of the variance; and

WHEREAS, pursuant to ZR § 11-411, the Board may, in appropriate cases, allow an extension of the term of a pre-1961 variance; and

WHEREAS, at hearing, the Board directed the applicant to: (1) provide evidence demonstrating that the existing hours of operation (Monday through Saturday, from 8:00 a.m. to 9:00 p.m.) are consistent with similar establishments in the surrounding community; (2) provide photographs showing the removal of tires from the open portions of the site; and (3) provide an amended site plan reflecting the location of the storage container; and

WHEREAS, as to the hours of operation, the applicant states that two nearby automobile-related

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establishments have similar hours as those proposed; the applicant also notes that many businesses along Northern Boulevard operate 24 hours per day; finally, the applicant represents that the proposed hours are necessary to allow for successful operation of the business; and

WHEREAS, as to the tire storage on site, the applicant provided photographs demonstrating that all tires had been removed from open portions of the site; the applicant also provided the requested amended site plan reflecting the location of the storage container; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made for an extension of term under ZR § 11-411.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated January 23, 1979, so that as amended the resolution reads: “to permit an extension of the term of the variance for an additional ten years from the prior expiration, to expire on January 23, 2019; *on condition on condition* that all work will substantially conform to drawings, filed with this application marked ‘Received June 3, 2014’ – (1) sheet; and on further condition:

THAT the term of the variance will expire on January 23, 2019;

THAT tire will not be stored at the site, except within the building or storage containers;

THAT the hours of operation will be limited to Monday through Friday, from 8:00 a.m. to 9:00 p.m., Saturday from 8:00 a.m. to 6:00 p.m., and closed Sunday;

THAT landscaping will be maintained in accordance with the BSA-approved plans;

THAT the site will be maintained free of graffiti and debris;

THAT only vehicles awaiting service may be stored at the site overnight;

THAT vehicles will not obstruct the sidewalk;

THAT the above conditions will be noted in the Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

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

configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, August 19, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, August 19, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

