

**317-13-BZ**

APPLICANT – Law office of Lyra J. Altman, for Michelle Schonfeld & Abraham Schonfeld, owners.

SUBJECT – Application December 10, 2013 – Special Permit (§73-622) for the enlargement of an existing two family home, to be converted to a single family home, contrary to floor area and open space (§23-141); side yards (§23-461) and rear yard (§23-47) regulations. R2 zoning district.

PREMISES AFFECTED – 1146 East 27th Street, west side of 27th Street between Avenue K and Avenue L, Block 7626, Lot 63, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

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

**THE RESOLUTION** –

WHEREAS, the decision of the New York City Department of Buildings (“DOB”), dated September 30, 2013, acting on DOB Application No. 320828217, reads in pertinent part:

- Proposed floor area is contrary to ZR 23-141;
- Proposed open space is contrary to ZR 23-141;
- Proposed rear yard is contrary to ZR 23-47;
- Proposed side yard is contrary to ZR 23-461;
- and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed conversion (from a two-family home to a single-family home) and enlargement, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space, 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 June 24, 2014, after due notice by publication in *The City Record*, and then to decision on July 29, 2014; and

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

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

WHEREAS, the subject site is located on the west side of East 27th Street, between Avenue K and Avenue L, within an R2 zoning district; and

WHEREAS, the site has 40 feet of frontage along East 27th Street and 4,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-family home with 2,719 sq. ft. of floor area (0.68 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 convert the building to a single-family home and increase its floor area from 2,719 sq. ft. (0.68 FAR) to 4,131 sq. ft. (1.03 FAR); the maximum permitted floor area is 2,000 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease the open space from 92 percent to 56.7 percent; the minimum required open space is 65 percent; and

WHEREAS, the applicant seeks to maintain an existing side yard width of 1’-7” and decrease the site’s existing side yard width of 9’- 8½” to 8’-0”; 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 from 29’-9” 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 1.03 FAR is consistent with the bulk in the surrounding area; and

WHEREAS, in support of this assertion, the applicant identified thirteen homes on the subject block and the blocks directly east and west with FARs ranging from 1.0 to 1.26; the applicant notes that three of the thirteen homes were enlarged pursuant to a special permit from the Board; 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 R2 zoning district, the proposed conversion (from a two-family home to a single-family home) and enlargement, which does not comply with the zoning requirements for FAR, open space, 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 July 15, 2014”– (11) sheets; and *on further condition*:

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THAT the following will be the bulk parameters of the building: a maximum floor area of 4,131 sq. ft. (1.03 FAR), a minimum open space of 56.7 percent, side yards with minimum widths of 1'-7" and 8'-0", 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, July 29, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, July 29, 2014.  
Printed in Bulletin No. 31, Vol. 99.**

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

