

240-55-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for DLC Properties, LLC, owner.

SUBJECT – Application December 31, 2013 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance for the continued operation of a UG16 auto repair shop with sales, which expired on June 8, 2010; Waiver of the Rules. C2-2(R6B), R4 zoning district.

PREMISES AFFECTED – 207-22 Northern Boulevard, south side of Northern Boulevard, 350 East of intersection of Northern Boulevard, and 206th Street, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a certificate of occupancy for the continued use of an auto repair shop with sales (Use Group 16), which expired on June 8, 2010; and

WHEREAS, a public hearing was held on this application on March 11, 2014, after due notice by publication in *The City Record*, and then to decision on April 1, 2014; and

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

WHEREAS, the subject site is located on the south side of Northern Boulevard between 208th Street and Oceania Street, partially within a C2-2 (R6B) zoning district and partially within an R4 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 13, 1955 when, under the subject calendar number, the Board granted a variance to permit the reconstruction of an automotive repair facility in a residential zoning district; and

WHEREAS, subsequently, the grant was amended and the term extended at various times; and

WHEREAS, on May 25, 1999, the Board granted an extension of term for ten years from the expiration of the previous grant, and amended the grant to permit the existing opening in the fence between the parking area of the subject site and the owner’s property to the east, to expire on November 3, 2008; and

WHEREAS, on March 6, 2001, the Board granted

a special permit to allow the construction of a second floor to the existing commercial building to be occupied by office and storage space; and

WHEREAS, subsequent grants extended the amount of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, most recently, on December 8, 2009, the Board granted an extension of term for ten years from the expiration of the previous grant, to expire on November 13, 2018, and amended the grant to permit a change in the hours of operation from Monday through Friday, from 8:30 a.m. to 5:00 p.m. to Monday through Friday, from 8:00 a.m. to 6:00 p.m. (the establishment is closed on the weekends); and

WHEREAS, under the 2009 grant, a certificate of occupancy was to be obtained by June 8, 2010; however, the applicant states that a certificate of occupancy has not yet been obtained; in addition, the applicant notes that the owner no longer plans to construct the second story authorized under the 2001 special permit described above; and

WHEREAS, accordingly, the applicant now requests an extension of time to obtain the certificate of occupancy; and

WHEREAS, based upon the above, the Board finds that the requested extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated December 13, 1955, so that as amended this portion the resolution reads: “to grant a one year extension of time to obtain a certificate of occupancy, to expire on April 1, 2015; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT a certificate of occupancy will be obtained by April 1, 2015;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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.” (DOB Application No. 420055184)

Adopted by the Board of Standards and Appeals, April 1, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, April 1, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

