

CORRECTION

This resolution adopted on April 28, 2015, under Calendar No. 147-14-BZ and printed in Volume 100, Bulletin No. 19, is hereby corrected to read as follows:

147-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Iris E. Shalam, owner.

SUBJECT – Application June 24, 2014 – Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area ZR 23-141; and less than the required rear yard ZR 23-47. R3-1 zoning district.

PREMISES AFFECTED – 4167 Ocean Avenue, east side of Ocean Avenue between Hampton Avenue and Oriental Boulevard, Block 8748, Lot 227, 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 28, 2014, acting on DOB Application No. 320960359, 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 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”) and rear yard, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on March 31, 2015, after due notice by publication in *The City Record*, and then to decision on April 28, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed inspections of the site and premises, as well as the surrounding neighborhood; and

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

WHEREAS, the subject site is located on the east side of Ocean Avenue, between Hampton Avenue and Oriental Boulevard, within an R3-1 zoning district; and

WHEREAS, the site has 60 feet of frontage along

Ocean Avenue and 6,240 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story with attic, single-family home with 3,608 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 3,608 sq. ft. (0.58 FAR) to 4,128 sq. ft. (0.66 FAR); the maximum permitted floor area is 3,120 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease its rear yard from 39’ - 3 ½” to 22’ - 3 ¾”; the requirement is a minimum depth of 30’ - 0”;

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, at hearing, the Board expressed concern about the impact of the proposed FAR and 22’ - 3 ¾” rear yard; and

WHEREAS, the applicant asserts that the subject block contains 24 sites which are occupied by a residence and have a rear yard, eight of which have a smaller rear than that which is proposed by the applicant, and that such rear yards range in depth from 11’ - 0” to 20’ - 0”;

WHEREAS, the applicant further asserts that 15 of the 24 sites have garages located in their rear yards; and

WHEREAS, the above-noted assertions are supported in a rear yard study submitted by the applicant; 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 R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”) and rear yards, contrary to ZR §§ 23-141 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 April 16, 2015”– (12) sheets; and *on further condition:*

THAT the following shall be the bulk parameters of the building: a maximum floor area of 4,128 sq. ft.

147-14-BZ

(0.66 FAR) and a rear yard with a minimum depth of 22'-3 ¾", 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 April 28, 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, April 28, 2015.

***The resolution has been amended. Corrected in Bulletin Nos. 23-24, Vol. 100, dated June 10, 2015.**

**A true copy of resolution adopted by the Board of Standards and Appeals, April 28, 2015.
Printed in Bulletin No. 19, Vol. 100.**

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

