

179-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for East 24 Realty LLC by Sarah Weiss, owner.

SUBJECT – Application June 19, 2013 – Special Permit (§73-622) for the enlargement of a single-family home contrary to floor area, open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 933-939 East 24th Street, East side of East 24th Street between Avenue I and Avenue J, Block 7588, Lot 29 & 31 (31 tentative), Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner of the New York City Department of Buildings (“DOB”), dated June 3, 2013, acting on DOB Application No. 320746234, 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 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 4, 2014, after due notice by publication in *The City Record*, with continued hearings on March 11, 2014, and April 1, 2014, and then to decision on April 29, 2014; and

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

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

WHEREAS, the subject site is located on the east side of East 24th Street, between Avenue I and Avenue J, within an R2 zoning district; and

WHEREAS, the site has 80 feet of frontage along East 24th Street and 8,000 sq. ft. of lot area; and

WHEREAS, the site comprises two historically-separate lots (Lots 29 and 31), each with 40 feet of frontage along East 24th Street and 4,000 sq. ft. of lot area, which will be combined and be known as Lot 31; and

WHEREAS, the site is occupied by two single-family homes; the home on historic Lot 29 has 2,042 sq. ft. of floor area (0.51 FAR) and the home on historic Lot 31 has 2,029 sq. ft. of floor area (0.51 FAR); thus, the site has 4,071 sq. ft. of existing floor area (0.51); 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 demolish the home on historic Lot 29 and increase the floor area of the home on historic Lot 31 from 2,042 sq. ft. (0.51 FAR) (as measured with respect to historic Lot 31) to 8,031 sq. ft. (1.0 FAR) (as measured with respect to the site); the maximum permitted floor area is 4,800 sq. ft. (0.6 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 142 percent (historic Lot 29) and 144 percent (historic Lot 31) to 47 percent (as measured with respect to the site); the minimum required open space ratio is 150 percent; and

WHEREAS, the applicant seeks to maintain and extend historic Lot 31’s existing non-complying side yard width of 3’-11½” and reduce historic Lot 29’s complying side yard width from 12’-0” to 8’-11½” ; (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 non-complying rear yard depth to 20’-0”; historic Lot 29’s rear yard depth was 27’-0” and historic Lot 31’s rear yard depth was 26’-5½” (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 width of 80 feet and 1.0 FAR are consistent with the bulk in the surrounding area; and

WHEREAS, as to the lot width, the applicant submitted a study, which reflects that, within the subject R2 zoning district, there are eleven lots that range in width from 60 to 100 feet; and

WHEREAS, as to the FAR, the applicant identified seven homes in the study area with FARs ranging from 1.0 to 1.63; the applicant notes that six of the seven

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homes were enlarged pursuant to a special permit from the Board; and

WHEREAS, at hearing, the Board expressed concerns regarding: (1) the compatibility of the height of the proposed home with the existing homes along East 24th Street; and (2) the compliance of the proposal with the landscaping requirements; and

WHEREAS, in response, the applicant amended its plans to: (1) remove decorative grillework from the top of the building; (2) reduce the proposed building height from 38'-0" to 36'-0" and the proposed perimeter wall height from 25'-0" to 24'-8"; and (3) decrease the size of the front porch in order to accommodate required landscaping; 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 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 19, 2014"–(13) sheets; and *on further condition:*

THAT the following will be the bulk parameters of the building: a maximum floor area of 8,031 sq. ft. (1.0 FAR), a minimum open space ratio of 47 percent, side yards with minimum widths of 3'-11½" and 8'-11½", 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, April 29, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 29, 2014.
Printed in Bulletin Nos. 16-18, Vol. 99.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

