

253-13-BZ

APPLICANT – Eric Palatnik, P.C., for Miyer Yusupov, owner.

SUBJECT – Application August 30, 2013 – Special Permit (§73-621) for the enlargement of an existing two-story, two-family home, contrary to floor area (§23-141B) regulations. R4B zoning district.

PREMISES AFFECTED – 66-31 Booth Street, north side of Booth Street between 66th and 67th Avenue, Block 3158, Lot 96, Borough of Queens.

COMMUNITY BOARD #6Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

Negative:.....0

Absent: Commissioner Montanez1

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner of the Department of Buildings (“DOB”), dated August 6, 2013, acting on DOB Application No. 420867887, reads in pertinent part:

Proposed enlargement of existing three-story attached two-family dwelling in an R4B zoning district exceeds permitted floor area by 180 sq. ft., contrary to Sections 23-141 and 54-31; and

WHEREAS, this is an application under ZR §§ 73-03 and 73-621, to permit, within an R4B zoning district, the enlargement of an existing two-family home, which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-141 and 54-31; and

WHEREAS, a public hearing was held on this application March 25, 2014, after due notice by publication in *The City Record*, with a continued hearing on April 29, 2014, and then to decision on May 13, 2014; and

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

WHEREAS, Community Board 6, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of Booth Street, between 66th Avenue and 67th Avenue, within an R4B zoning district; and

WHEREAS, the site has 20 feet of frontage along Booth Street and 2,000 sq. ft. of lot area; and

WHEREAS, the site is currently occupied by a three-story, two-family home with 1,868.76 sq. ft. of floor area (0.93 FAR); and

WHEREAS, the applicant proposes to increase the floor area of the building from 1,868.76 sq. ft. of floor area (0.93 FAR) to 1,972.99 (0.99 FAR); the maximum permitted FAR of the site is 0.90; and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge buildings containing residential uses that existed on December 15, 1961, or, in certain districts, on June 20, 1989; therefore, as a threshold matter, the applicant must establish that the subject building existed as of that date; and

WHEREAS, the applicant submitted an excerpt from Volume 9 of the Queens Sanborn Map (covering 1982-1984) to demonstrate that the building existed as a residence well before June 30, 1989, which is the operative date within the subject R4B district; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available to enlarge the building; and

WHEREAS, ZR § 73-621 permits the enlargement of a residential building, provided that the proposed FAR does not exceed 110 percent of the maximum permitted (0.90 FAR); and

WHEREAS, the applicant represents that the proposed lot coverage (0.99 percent) is 110 percent of the maximum permitted (0.90 FAR); and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, based on 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, the Board finds that the proposal does not interfere with any pending public improvement project; and

WHEREAS, at hearing, the Board noted that the proposed FAR calculations, including the noted deductions, are subject to DOB approval; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-621 and 73-03.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617.5 and 617.13, §§ 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 §§ 73-03 and 73-621 to permit, within an R4B zoning district, the enlargement of an existing two-family home, which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-141 and 54-31; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application

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marked "Received April 16, 2014"- (3) sheets; and *on further condition:*

THAT the parameters of the proposed building will be limited to: three stories, two dwelling units, a maximum floor area of 1,972.99 (0.99 FAR), a maximum building height of 27'-0", 41 percent lot coverage, and a minimum rear yard depth of 39'-9", as per the BSA-approved plans;

THAT the FAR calculations will be as reviewed and approved by DOB;

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

THAT the approved plans will be considered approved only for the portions related to the specific relief granted;

THAT significant construction will proceed in accordance with ZR §§ 72-23 and 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 plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,
May 13, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, May 13, 2014.
Printed in Bulletin No. 20, Vol. 99.**

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

