

233-13-BZ

APPLICANT – Law office of Fredrick A. Becker, for Kayvan Shadrouz, owner.

SUBJECT – Application August 12, 2013 – Special Permit (§73-622) for an enlargement of an existing single family residence, contrary to floor area, lot coverage and open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 2413 Avenue R, North side of Avenue R between East 24th Street and Bedford Avenue. Block 6807, Lot 48. Borough of Brooklyn.

COMMUNITY BOARD #15BK

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, the decision of the New York City Department of Buildings (“DOB”), dated July 11, 2013, acting on DOB Application No. 320486675, 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 is less than the minimum required;
3. Proposed plans are contrary to ZR 23-141 in that the proposed lot coverage exceed the maximum permitted;
4. Proposed plans are contrary to ZR 23-461 and 23-48 in that the proposed side yard is less than the minimum required;
5. 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 R3-2 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, lot coverage, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, 23-47, and 23-48; and

WHEREAS, a public hearing was held on this application on April 8, 2014, after due notice by publication in *The City Record*, with a continued hearing on May 13, 2014, and then to decision on June 10, 2014; and

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

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

WHEREAS, the subject site is located on the north side of Avenue R, between East 24th Street and Bedford Avenue, within an R3-2 zoning district; and

WHEREAS, the site has 26 feet of frontage along Avenue R and 2,730 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single-family home with 1,470 sq. ft. of floor area (0.54 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 increase the floor area of the home from 1,470 sq. ft. (0.54 FAR) to 2,754.5 sq. ft. (1.01 FAR); the maximum permitted floor area is 1,365 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease the open space from 70 percent to 59 percent; the minimum required open space is 65 percent; and

WHEREAS, the applicant seeks to increase the lot coverage from 30 percent to 41 percent; the maximum permitted lot coverage is 35 percent; and

WHEREAS, the applicant seeks to maintain and extend the site’s existing side yard widths of 3’-0” and 6’-8½”; 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 43’-6” to 26’-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 1.01 FAR is consistent with the bulk in the surrounding area; and

WHEREAS, in support of this assertion, the applicant identified six homes on the subject block and the blocks directly east and west with FARs ranging from 1.0 to 1.06; the applicant notes that five of the six homes were enlarged pursuant to a special permit from the Board; and

WHEREAS, at hearing, the Board expressed concerns regarding proposal’s compliance with the building envelope required in an R3-2 zoning district; and

WHEREAS, in response, the applicant amended its plans to reflect a proposed envelope in accordance with the R3-2 regulations; 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

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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 R3-2 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, lot coverage, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, 23-47, and 23-48; *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 May 7, 2014"– (10) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 2,754.5 sq. ft. (1.01 FAR), a minimum open space of 59 percent, a maximum lot coverage of 41 percent, side yards with minimum widths of 3'-0" and 6'-8%", and a minimum rear yard depth of 26'-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, June 10, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, June 10, 2014.
Printed in Bulletin Nos. 22-24, Vol. 99.**

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

