

823-19-BZ

APPLICANT – Eric Palatnik, P.C., for Israel Minzer, owner.

SUBJECT – Application April 20, 2012 – Amendment (§§ 11-412 and 11-413) of a previously approved variance which permitted a one story warehouse (UG 16). The application seeks to construct an as-of-right two-story community facility (UG 4) atop the warehouse and reduce the warehouse space to accommodate 13 required accessory parking spaces for the proposed community facility use. R5 zoning district.

PREMISES AFFECTED – 1901 10th Avenue, southeast corner of East 19th Street and 10th Avenue, Block 890, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening, a change in use from a warehouse (Use Group 16) to accessory parking for a non-profit institution without sleeping accommodations (Use Group 4), and an amendment to permit a two-story enlargement of the building to accommodate a conforming use; 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 25, 2014 and April 8, 2014, and then to decision on May 6, 2014; and

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

WHEREAS, Community Board 7, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located at the southeast corner of the intersection of 19th Street and Tenth Avenue, within an R5 zoning district; and

WHEREAS, the site has 100.17 feet of frontage along Tenth Avenue, 150 feet of frontage along 19th Street, and 15,025.5 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story warehouse building (Use Group 16) with 15,025.5 sq. ft. of floor area (1.0 FAR), 100 percent lot coverage, and a wall and building height of 17'-5"; and

WHEREAS, the site has been subject to the Board’s jurisdiction since April 6, 1920, when, under the subject calendar number, the Board permitted the construction of a garage for more than five motor vehicles located partially within a residence district and partially within a business district; and

WHEREAS, on October 17, 1933, the Board granted an amendment to permit the handling and sorting

of parcels within the building and certain minor modifications to the layout of the building; and

WHEREAS, on November 18, 1958, the Board authorized a change in use from parking and parcel delivery station to a factory; in connection with the change of use, the Board also permitted vehicle entrance to the building within 25 feet of an intersection and within 75 feet of a residence district; the applicant notes that this change of use did not occur; and

WHEREAS, most recently, on November 27, 1962, the Board authorized a change in use from parking and parcel delivery station to a warehouse with incidental manufacturing and accessory office; and

WHEREAS, the applicant now proposes redevelopment of the warehouse building as follows: (1) a change in use of a portion of the first story of the building from warehouse (Use Group 16) to 13 accessory parking spaces for a non-profit institution without sleeping accommodations (Use Group 4); and (2) construction of a two-story enlargement to be occupied by the non-profit institution; and

WHEREAS, the applicant states that the enlargement will comply in all respects with the subject R5 zoning district regulations and will increase the floor area of the building from 15,025.5 sq. ft. (1.0 FAR) to 23,614.42 sq. ft. (1.57 FAR); the applicant notes that the floor area devoted to the non-conforming use within the building will be reduced from 15,025.5 sq. ft. to 8,261.8 sq. ft.; thus, under the proposal, the applicant seeks to add 15,352.6 sq. ft. of community facility floor area to the site, which is well below the maximum permitted community facility floor area permitted at the site (30,051 sq. ft. (2.0 FAR)); and

WHEREAS, pursuant to ZR § 11-412, the Board may permit enlargement of a building subject to a use variance issued prior to December 15, 1961, provided that such enlargement is limited to the zoning lot that was granted such variance; in addition, pursuant to ZR § 11-413, the Board may permit a change in use from a non-conforming use to a conforming use; and

WHEREAS, the applicant states, as noted above, that the proposal both reduces the amount of floor area devoted to a non-conforming use and complies in all respects with the applicable bulk regulations; and

WHEREAS, at hearing, the Board questioned the proposed configuration of the parking spaces within the building and the curb cuts at the site; and

WHEREAS, in response, the applicant submitted amended plans noting that the parking layout and curb cuts would be subject to Department of Buildings approval; and

WHEREAS, based on the foregoing, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 11-412 and 11-413.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated April 6, 1920, to permit the noted

823-19-BZ

change in use and enlargement; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked 'Received April 3, 2014'-(11) sheets; and *on further condition*:

THAT parking at the site will only be used in connection with the Use Group 4 uses at the site;

THAT a minimum of 13 parking spaces will be provided at the site;

THAT DOB will review and approve the proposed parking and curb cuts;

THAT all construction will be completed and a certificate of occupancy will be obtained by May 6, 2016;

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; and

THAT DOB 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 6, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, May 6, 2014.

Printed in Bulletin No. 19, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

