

76-12-BZ

APPLICANT – Sheldon Lobel, P.C., for Alexander and Inessa Ostrovsky, owners.

SUBJECT – Application April 25, 2014 – Amendment to modify the previously granted special permit (§73-622) for the enlargement of an existing single-family detached residence. R3-1 zoning district.

PREMISES AFFECTED – 148 Norfolk Street, west side of Norfolk Street between Oriental Boulevard and Shore Boulevard, Block 8756, Lot 18, 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, this is an application for a re-opening and an amendment to allow certain modifications, including an increase in floor area, to a special permit authorizing the enlargement of a single-family home within a flood zone; and

WHEREAS, a public hearing was held on this application on August 19, 2014, after due notice by publication in *The City Record*, with continued hearings on September 16, 2014, October 28, 2014, November 25, 2014, January 6, 2015, January 30, 2015, and March 10, 2015, and then to decision on March 31, 2015; and

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

WHEREAS, the subject site is located on the west side of Norfolk Street, between Shore Boulevard and Oriental Boulevard, within an R3-1 zoning district; and

WHEREAS, the site has 25 feet of frontage along Norfolk Street and approximately 3,108 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story, single-family detached home with approximately 1,385 sq. ft. of floor area (0.45 FAR); the applicant notes that the site is within Flood Zone 1 and that the existing home was damaged during Superstorm Sandy in late October, 2012; and

WHEREAS, on November 20, 2012, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-622, authorizing the enlargement of the home contrary to floor area ratio (“FAR”), open space ratio, lot coverage, and side yard regulations; and

WHEREAS, specifically, the 2012 grant authorized a two-story building with 2,806 sq. ft. of floor area (0.90 FAR), a minimum open space ratio of 54 percent, a maximum lot coverage of 46 percent, and side yards with widths of 0.7 feet and 4.4 feet; and

WHEREAS, subsequent to the grant, on January 31, 2013, Mayor Michael R. Bloomberg issued Executive Order 230 (“EO 230”), which allows buildings in certain flood-prone areas to be reconstructed and elevated contrary to the Zoning Resolution in order to enhance their flood resilience; and

WHEREAS, the applicant states that, pursuant to EO 230, the Department of Buildings (“DOB”) requires elevation of the proposed home and removal of its cellar level; accordingly, the applicant seeks to amend the grant to permit these modifications to the proposal, as well as an increase in floor area from 2,806 sq. ft. (0.90 FAR) to 3,304 sq. ft. (1.06 FAR) to accommodate an attic (the original proposal reflected only a crawl space above the second story); and

WHEREAS, the applicant states that in order to comply with this requirement, it must backfill the existing cellar, remove the existing slabs on grade, and create an open-to-air space, six feet in height, enclosed with vinyl lattice between the existing foundation walls and the floor of the first story; and

WHEREAS, the applicant notes that the proposal includes maintaining existing floor joists and existing exterior framing along the northern and southern walls of the home; and

WHEREAS, the applicant contends that the removal of the cellar eliminates 1,140 sq. ft. of floor space, which would have been used for recreation, mechanical space, and storage; as such, the applicant seeks to introduce 535 sq. ft. of floor area to the attic level of the home, to recover some of the lost space; and

WHEREAS, initially, the proposal reflected an additional 618 sq. ft. of floor area, for a total proposed floor area of 3,424 sq. ft. (1.1 FAR); and

WHEREAS, however, in response to the Board’s concerns regarding the incompatibility of the proposal with the neighborhood, the attic was reduced in height, pulled away from the street, and reduced in size; and

WHEREAS, the applicant notes and the Board agrees that the flood zone design requirements of the Building Code and Zoning Resolution will inevitably result in the construction of buildings with more apparent height than currently exist in many flood zone neighborhoods; and

WHEREAS, based on its review of the record, the Board finds that the requested amendment is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated November 20, 2012, so that as amended the resolution reads: “to permit the noted modifications, including the proposed increase in floor area; *on condition* that all work will substantially conform to drawings, filed with this application marked ‘Received March 18, 2015’– eight (8) sheets; and *on further condition*:

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THAT the following shall be the bulk parameters of the proposed building: a maximum of 3,304 sq. ft. (1.06 FAR); a minimum open space ratio of 54 percent; a maximum lot coverage of 46 percent; and side yards with minimum widths of 0.7 feet and 4.4 feet, as illustrated on the BSA-approved drawings;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by March 31, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s); 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) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, March 31, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, March 31, 2015.

Printed in Bulletin No. 15, Vol. 100.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

