

**13-78-BZ**

APPLICANT – Sheldon Lobel, P.C., for 2K Properties Inc., owner.

SUBJECT – Application July 23, 2013 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a plumbing supply establishment (*Jamaica Plumbing and Heating Supply, Inc.*) which expired on June 27, 2013. R4-1 & R6A/C2-4 zoning districts.

PREMISES AFFECTED – 144-20 Liberty Avenue, east side of Liberty Avenue between Inwood Street and Pinegrove Street, Block 10043, Lot 6, Borough of Queens.

**COMMUNITY BOARD #12Q**

**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 Montanez .....5  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening and an extension of term for the continued operation of a plumbing supply establishment (Use Group 17) with accessory parking partially within an R6A (C2-4) zoning district and partially within an R4-1 zoning district, which expired on June 27, 2013; and

WHEREAS, a public hearing was held on this application on January 14, 2014, after due notice by publication in *The City Record*, with a continued hearing on February 11, 2014, and then to decision on March 4, 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 12, Queens, recommends approval of this application; and

WHEREAS, Queens Borough President Helen Marshall recommends approval of this application; and

WHEREAS, the subject site is an irregular lot located on the east side of Liberty Avenue, between Pinegrove Street and Inwood Street, partially within an R6A (C2-4) zoning district and partially within an R4-1 zoning district; and

WHEREAS, the site has 10,654 sq. ft. of lot area and is occupied by a one-story, plumbing supply establishment with 7,897 sq. ft. of floor area (0.74 FAR) and accessory parking; and

WHEREAS, the Board has exercised jurisdiction over the site since June 27, 1978, when, under the subject calendar number, the Board granted a variance permitting the construction of a one-story enlargement to an existing plumbing supply establishment with accessory storage of supplies within an R4 zoning district, contrary to use regulations and for a term of ten years, to expire on June

27, 1988; and

WHEREAS, subsequently, the grant was amended and the term was extended, most recently on February 11, 2003, when the Board extended the term of the variance for ten years, to expire on June 27, 2013; and

WHEREAS, the applicant now requests an extension of the term for 20 years; and

WHEREAS, the applicant notes that the site has been rezoned to permit certain commercial uses as-of-right; as such, while the plumbing supply equipment establishment remains non-conforming, it is now more compatible with the surrounding neighborhood than it was when it was originally authorized by the Board; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may extend the term of a variance; and

WHEREAS, at hearing, the Board directed the applicant to: (1) notify neighbors within 200 feet of the site that a 20-year term was sought; and (2) remove illegal signage at the site; and

WHEREAS, in response, the applicant submitted: (1) proof of notification of neighbors; and (2) photographs and a signage analysis demonstrating compliance with prior BSA-approved plans; and

WHEREAS, the Board has reviewed the application and has determined that this application is appropriate to grant, with certain conditions.

*Therefore it is Resolved*, that the Board of Standards and Appeals reopens and amends the resolution, as adopted on June 27, 1978, so that as amended this portion of the resolution will read: "to grant an extension of the variance for a term of 20 years from the prior expiration, to expire on June 27, 2033, *on condition* that that any and all work shall substantially conform to drawings filed with this application marked "Received January 28, 2014"- (3) sheets; and *on further condition*;

THAT the term of the variance will expire on June 27, 2033;

THAT the above condition will be listed on the certificate of occupancy;

THAT an amended certificate of occupancy will be obtained by March 4, 2015;

THAT all conditions from prior resolutions not waived herein by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed 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."

(DOB App. No. 420837081)

Adopted by the Board of Standards and Appeals, March 4, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 4, 2014.**

**Printed in Bulletin No. 10, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

