

**124-14-BZ**

APPLICANT – Sheldon Lobel, P.C., for Yuriy Teyf, owner.

SUBJECT – Application June 2, 2014 – Special Permit (§73-622) for the enlargement of a single-family detached residence to be converted into a two-family home contrary to floor area, lot coverage and open space (ZR §23-141); side yards (ZR §23-461) and less than the required rear yard (ZR §23-47). R4 zoning district.

PREMISES AFFECTED – 1112 Gilmore Court, southern side of Gilmore Court between East 11th Street and East 12th Street, Block 7455, Lot 74, 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, the decision of the Department of Buildings (“DOB”), dated May 2, 2014, acting on DOB Application No. 320819021, reads in pertinent part:

1. Proposed enlargement increases the degree of non-compliance of an existing building with respect to floor area ratio, which is contrary to ZR Section 23-141.
2. Proposed enlargement increases the degree of non-compliance of an existing building with respect to open space and coverage which is contrary to ZR Section 23-141.
3. Proposed enlargement results in two side yards less than 5 feet and the total of both side yards less than 13 feet, which is contrary to ZR Section 23-461; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R4 zoning district, the proposed enlargement and conversion of a single-family home to a two-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, and side and rear yards, contrary to ZR §§ 23-141, 23-461; and

WHEREAS, a public hearing was held on this application on November 25, 2014, after due notice by publication in *The City Record*, with continued hearings on February 3, 2015, and March 3, 2015, and March 31, 2015 and then to decision on May 12, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioners Montanez and Ottley-Brown performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site is located on the south

side of Gilmore Court, between East 11<sup>th</sup> Street and East 12<sup>th</sup> Street, within an R4 zoning district; and

WHEREAS, the site has 20 feet of frontage along Gilmore Court and a depth of 117’-5” and approximately 2,350 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story single-family home with approximately 876 sq. ft. of floor area (0.37 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 enlarge the building and convert it into a two-family residence, resulting in an increase in the floor area from 876 sq. ft. (0.37 FAR) to 3,052 sq. ft. (1.29 FAR); the maximum permitted floor area is 2,115 sq. ft. (0.9 FAR); and

WHEREAS, the applicant seeks to increase the lot coverage of the site from 37.32 percent to 54.13 percent; the maximum permitted lot coverage is 45 percent; and

WHEREAS, the applicant seeks to maintain and extend its non-complying side yards of 3’-0” and 0’-7” ; 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 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, at hearing the Board directed the applicant to increase the size of its proposed rear yard to a complying 32’-11”, reduce the proposed floor area of the building and amend its design for the proposed building to incorporate features from adjacent buildings so as to contextualize the proposed enlargement; and

WHEREAS, the applicant modified the proposal in accordance with the Board’s direction; and

WHEREAS, the applicant notes that the building and cellar are being raised in accordance with applicable flood regulations; and

WHEREAS, the applicant notes that, pursuant to ZR § 25-211, one off-street parking space must be provided on the subject lot for each dwelling unit created by the subject enlargement, and states that the existing site does not contain any off-street parking; and

WHEREAS, as such, and as shown on the BSA-approved plans, the applicant has provided a single off-street parking space for the dwelling unit that is being created pursuant to the instant enlargement and conversion but the pre-existing non-compliance (i.e., the lack of off-street parking for the existing dwelling unit) shall be maintained; 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, on a site within an R4 zoning district, the proposed enlargement and conversion of a single-family home to a two-family home, which does not comply with the zoning requirements for FAR, lot coverage, and side yards, contrary to ZR §§ 23-141 and 23-461; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “April 22, 2015”– (13) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,052.95 sq. ft. (1.29 FAR), a maximum lot coverage of 54.13 percent, a front yard with a minimum depth of 10’-0”, side yards with minimum widths of 3’-0” and 0’-7”, and a rear yard with a minimum depth of 32’-11” as illustrated on the BSA-approved plans;

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

THAT DOB shall review and ensure compliance with applicable flood regulations;

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by May 12, 2019; 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, May 12, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, May 12, 2015.**

**Printed in Bulletin Nos. 20-21, Vol. 100.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

