

154-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Peter Agrapides, owner.

SUBJECT – Application July 1, 2014 – Special Permit (§73-621) to allow an addition to the existing mixed commercial and residential building. C1-3/R6B zoning district.

PREMISES AFFECTED – 6934 5th Avenue, northwest corner of the intersection of Ovington Avenue and 5th Avenue, Block 5873, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #10BK

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 June 2, 2014, acting on DOB Application No. 320825595, reads in pertinent part:

1. ZR 54-30, ZR 35-31, ZR 33-121, and ZR 23-145

The existing building floor area is more than allowable, and by proposing enlargement at first floor as shown, the degree of non-compliance is increasing. Total floor area provided exceeds as permitted for mixed building and based on zoning sections mentioned... ; and

WHEREAS, this is an application under ZR §§ 73-621 and 73-03, to permit, within an R6B/C1-3 zoning district, within the Special Bay Ridge District, the proposed enlargement of a four-story mixed commercial and residential building, which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-145 and 54-30; and

WHEREAS, a public hearing was held on this application on February 3, 2015 after due notice by publication in *The City Record*, and then to decision on March 3, 2015; and

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

WHEREAS, Community Board 10, Brooklyn, recommends approval of the application on condition that ... the mechanical equipment and other appurtenances on the roof of the building comply with applicable law with respect to distance from windows in adjacent residential buildings, shall not impede egress and shall not be visible from the streets and sidewalks at intersection and from approaching blocks; and

WHEREAS, the subject site is a corner lot located on the northwest corner of the intersection of 5th Avenue and Ovington Avenue, in Brooklyn, within an

R6B/C1-3 zoning district, within the Special Bay Ridge District; and

WHEREAS, the irregularly shaped site has approximately 112.85 ft. of frontage along Ovington Avenue and approximately 37.21 feet of frontage along 5th Avenue, and contains approximately 3,923sq. ft. of lot area; and

WHEREAS, the site is occupied by a non-complying four-story mixed commercial and residential building containing approximately 7,922 sq. ft. of floor area (2.02 FAR); and

WHEREAS, the applicant proposes to add a one-story commercial building adjacent to the existing four-story building, resulting in an increase in floor area of approximately 600 sq. ft., for a total floor area of 8,515.5 sq. ft. (2.17 FAR); the maximum permitted floor area is 7,846 sq. ft. (2.0 FAR) pursuant to ZR §23-145; and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge buildings containing residential uses that existed on December 15, 1961, or, in certain districts, on June 20, 1989; therefore, as a threshold matter, the applicant must establish that the subject building existed as of that date; and

WHEREAS, the applicant submitted Sanborn maps dated 1926 and 1950 showing the subject premises as a store and residential building with four dwelling units; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available to enlarge the building; and

WHEREAS, ZR § 73-621 permits the enlargement of a building containing a residential use, including the subject four-story mixed residential and commercial use building, provided that the proposed floor area ratio does not exceed 110 percent of the maximum permitted; and

WHEREAS, as to the floor area ratio, the Board finds that the proposed floor area does not exceed 110 percent of the maximum permitted; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; 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

WHEREAS, the Board finds that the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; 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 §§ 73-621 and 73-03.

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 §§ 73-621 and 73-03, to permit, within an R6B/C1-3 zoning district, within the Special Bay Ridge District, the proposed enlargement of a non-complying four-story mixed use commercial and residential building, which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-145 and 54-30; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "February 17, 2015"– (3) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 8,515.5 sq. ft. (2.17 FAR), as illustrated on the BSA-approved plans;

THAT the subject addition shall be constructed with materiality and design equivalent to and consistent with the existing building and shall include a masonry detail band;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

THAT the approved plans shall 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 the Department of Buildings 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, March 3, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, March 3, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

