

923-77-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 1899-1905 McDonald Avenue Associates, LLC, owner. SUBJECT – Application November 14, 2013 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story manufacturing building which expired on May 31, 2013. R5 (OP) zoning district.

PREMISES AFFECTED – 1905 McDonald Avenue, east side of McDonald Avenue, 105 ft. south of Quentin Road, Block 6658, Lot 86, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term for the continued operation of a manufacturing use (Use Group 17) on a site within an R5 zoning district, within the Special Ocean Parkway District, which expired on May 31, 2013; and

WHEREAS, a public hearing was held on this application on February 4, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 4, 2014, and then to decision on March 25, 2014; and

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

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

WHEREAS, the subject site is an interior lot located on the east side of McDonald Avenue, between Quentin Road and Woodside Avenue, within an R5 zoning district, within the Special Ocean Parkway District; and

WHEREAS, the site has 6,326 sq. ft. of lot area and is occupied by a one-story manufacturing building with 6,043 sq. ft. of floor area (0.96 FAR); and

WHEREAS, the Board has exercised jurisdiction over the site since May 31, 1978, when, under the subject calendar number, the Board granted a variance permitting the construction of a one-story manufacturing building within an R5 zoning district, contrary to use regulations and for a term of 15 years, to expire on May 31, 1993; and

WHEREAS, on March 8, 1994, the Board amended

the grant to permit the construction of a mezzanine within the building and extended the term for ten years, to expire on May 31, 2003; and

WHEREAS, most recently, on March 30, 2004, the Board extended the term of the grant for ten years, to expire on May 31, 2013; and

WHEREAS, the applicant now requests an extension of the term of the grant for ten years; 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) remove the materials that are being stored outside of the building; and (2) confirm that the signage complies with the C1 district regulations; and

WHEREAS, in response, the applicant submitted: (1) photographs showing the removal of the improperly-stored materials; and (2) a signage analysis demonstrating compliance with the C1 district regulations; 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 waives the Rules of Practice and Procedure, reopens and amends the resolution, as adopted on May 31, 1978, so that as amended this portion of the resolution will read: “to grant an extension of the variance for a term of ten years from the prior expiration, to expire on May 31, 2023, *on condition* that any and all work will substantially conform to the previously-approved BSA drawings; and *on further condition*;

THAT the term of the variance will expire on May 31, 2023;

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

THAT an amended certificate of occupancy will be obtained by March 25, 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. 320756801)

Adopted by the Board of Standards and Appeals, March 25, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, March 25, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

