

341-02-BZ

APPLICANT – Sheldon Lobel, P.C., for 231 East 58th Street Associates LLC, owner.

SUBJECT – Application March 25, 2014 – Amendment of previously approved Variance (§72-21) which permitted retail stores (UG 6) on the first floor of an existing five story building. The amendment seeks to eliminate the term, which expires in April 8, 2023. R8B zoning district.

PREMISES AFFECTED – 231 East 58th Street, north side of East 58th Street between Second and Third Avenues, Block 1332, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an amendment to a variance to eliminate the term for Use Group 6 retail use at the site; and

WHEREAS, a public hearing was held on this application on June 10, 2014, after due notice by publication in *The City Record*, and then to decision on July 15, 2014; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Ottley-Brown; and

WHEREAS, Community Board 6, Manhattan, recommends disapproval of the request to eliminate the term; and

WHEREAS, the site is located on the north side of East 58th Street, between Second Avenue and Third Avenue, within an R8B zoning district; and

WHEREAS, the site is currently occupied by a five-story mixed residential and commercial building, with two retail stores on the first story, and residences on the second through fifth stories; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 4, 1967 when, under BSA Cal. No. 633-66-BZ, the Board granted a variance to permit the conversion of the first story from residential to Use Group 6 retail stores; the Board granted a 15-year term, to expire on January 4, 1982; and

WHEREAS, the grant expired on January 4, 1982, was reinstated under the subject calendar number on

**A true copy of resolution adopted by the Board of Standards and Appeals, July 15, 2014.
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Copies Sent

- To Applicant**
- Fire Com'r.**
- Borough Com'r.**

April 8, 2003, and the term extended on June 11, 2013 for ten years to expire on April 8, 2023; and

WHEREAS, the applicant now seeks to eliminate the term; and

WHEREAS, the applicant requests that the term be eliminated for the following reasons: (1) there is an established commercial character in the area, (2) the commercial use is longstanding and functions well; and (3) there is a hardship in securing leases due to the limited term; and

WHEREAS, based upon its review of the record, the Board finds that the requested elimination of the term 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 April 8, 2003, to eliminate a term and specifically the April 8, 2023 expiration; *on condition* that any and all work will substantially conform to drawings associated with prior approvals; and *on further condition*:

THAT all conditions from the prior resolutions not specifically waived by the Board remain in effect and will be noted on the Certificate of Occupancy;

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

(DOB Application No. 121570460)

Adopted by the Board of Standards and Appeals, July 15, 2014.

