

177-13-BZ

APPLICANT – Eric Palatnik, P.C., for Dmitriy Ratsenberg, owner.

SUBJECT – Application June 18, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, to be converted to a two-family home, contrary to floor area, lot coverage and open space (§ZR 23-141) and less than the required rear yard (§ZR 23-47). R3-1 zoning district.

PREMISES AFFECTED – 134 Langham Street, west side of Langham Street between Shore Boulevard and Oriental Boulevard, Block 8754, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4
Negative:.....0
Absent: Vice Chair Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Executive Zoning Specialist of the New York City Department of Buildings (“DOB”), dated November 18, 2013, acting on DOB Application No. 320513592, reads in pertinent part:

1. Proposed floor area is contrary to ZR 23-141(b)
2. Proposed open space is contrary to ZR 23-141
3. Proposed lot coverage is contrary to ZR 23-461
4. Proposed rear yard is contrary to ZR 23-47; and

WHEREAS, this is an application under ZR § 73-622, to permit, within an R3-1 zoning district, the conversion (from a single-family home to a two-family home) and enlargement of an existing residential building, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space, lot coverage, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on February 25, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 25, 2014, and then to decision on April 8, 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 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Langham Street, between Shore Boulevard and Oriental Boulevard, within an R3-1 zoning district; and

WHEREAS, the site has 60 feet of frontage along Langham Street and 6,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single-family home with 1,913 sq. ft. of floor area (0.32 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 seeks to convert the single-family home to a two-family home and increase the size of the residence, as set forth below; and

WHEREAS, the applicant seeks an increase in the floor area from of 1,913 sq. ft. (0.32 FAR) to 5,911 sq. ft. (0.99 FAR); the maximum permitted floor area is 3,000 sq. ft. (0.5 FAR), however, a 20 percent increase in FAR pursuant to ZR § 23-141(b)(1) is available, resulting in a maximum permitted floor area of 3,600 sq. ft. (0.6 FAR); and

WHEREAS, the applicant seeks to reduce its open space from 83 percent to 59 percent; the minimum required open space is 65 percent; and

WHEREAS, likewise, the applicant seeks to increase its lot coverage from 17 percent to 41 percent; the maximum lot coverage permitted is 35 percent; and

WHEREAS, the applicant also seeks to decrease its non-complying rear yard depth from 22’-7” to 20’-0”; a minimum rear yard depth of 30’-0” is required; 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, the applicant states that the proposed 0.99 FAR is consistent with the bulk in the surrounding area; in support of this statement, the applicant submitted a land use study, which reflects that of the 109 homes within 400 feet of the site, 22 homes (20 percent) are occupied by homes with an FAR of 0.8 or greater; and

WHEREAS, the applicant also notes that three homes across Langham Street have FARs of 0.99 or greater; and

WHEREAS, at hearing, the Board directed the applicant to verify that the proposal is in compliance with the flood zone regulations; and

WHEREAS, in response, the applicant represented that the proposal was in full compliance with the flood zone regulations; and

WHEREAS, finally, the Board notes that while a conversion from an existing single-family home to a two-family home is rare under ZR § 73-622, such conversion is consistent with the text of the special permit; in addition, the subject R3-1 zoning regulations permit the resulting density; and

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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, 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, within an R3-1 zoning district, the conversion (from a single-family home to a two-family home) and enlargement of an existing residential building, which does not comply with the zoning requirements for FAR, open space, lot coverage, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received March 20, 2014"- (11) sheets; and *on further condition:*

THAT the following will be the bulk parameters of the building: a maximum floor area of 5,911 sq. ft. (0.99 FAR), a minimum open space of 59 percent, a maximum lot coverage of 41 percent, and a minimum rear yard depth of 20'-0", as illustrated on the BSA-approved plans;

THAT DOB will verify the proposal's compliance with the flood zone regulations of the Zoning Resolution;

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

THAT the approved plans will 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 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, April 8, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, April 8, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

