

***CORRECTION**

The resolution adopted on March 25, 2014, under Calendar No. 157-13-BZ and printed in Volume 99, Bulletin Nos. 12-13, is hereby corrected to read as follows:

157-13-BZ

APPLICANT – Sheldon Lobel, P.C., for 1368 23rd Street, LLC, owner.

SUBJECT – Application May 17, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141(a)); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1368 & 1374 East 23rd Street, west side of East 23rd Street, 180' north of Avenue N, Block 7658, Lot 78 & 80, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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, the decision of the Brooklyn Borough Commissioner of the New York City Department of Buildings (“DOB”), dated April 18, 2013, acting on DOB Application No. 320729208, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted;
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required;
3. Proposed plans are contrary to ZR 23-461 in that the proposed enlargement increases the degree of non-compliance with respect to minimum required side yards;
4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR § 73-622, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461, and 23-47; and

WHEREAS, a public hearing was held on this application on January 28, 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 Commissioner Hinkson and Commissioner Ottley-Brown; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the west side of East 23rd Street, between Avenue M and Avenue N, within an R2 zoning district; and

WHEREAS, the site comprises Lots 78 and 80, which have a total lot area of 8,000 sq. ft.; Lot 78 is occupied by a single-family home with 2,044 sq. ft. of floor area (0.51 FAR); Lot 80 is also occupied by a single-family home; however, that home will be demolished to allow for the enlargement of the home on Lot 78; 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 an increase in the floor area from 2,044 sq. ft. (0.51 FAR, as calculated using only the lot area of Lot 78) to 8,179 sq. ft. (1.02 FAR, as calculated using the combined lot area of Lots 78 and 80); the maximum permitted floor area is 4,000 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks an open space ratio for the enlarged home of 52; the minimum required open space ratio is 150; and

WHEREAS, the applicant seeks to maintain and extend the building’s existing non-complying side yard width of 3’-8” and reduce its complying side yard width from 13’-10” to 13’-4”; (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 also seeks to decrease its complying rear yard depth from 30’-8½” to 20’-0”; a rear yard with a minimum 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, in particular, the applicant represents that the proposed FAR is consistent with the bulk in the surrounding area and states that, based on its analysis of the lots within 400 feet of the site and with a minimum lot area of 8,000 sq. ft., there are 11 homes with an FAR in excess of 1.02; and

WHEREAS, at hearing, the Board directed the applicant to: (1) provide a streetscape of the site and the nearby homes; (2) provide revised plans showing the extent of the foundation removal; and (3) reduce the proposed building height to be more consistent with the surrounding context; and

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WHEREAS, in response, the applicant submitted: (1) a streetscape showing that the building is consistent with the surrounding buildings; and (2) revised plans showing the extent of the foundation removal and reflecting a reduction in building height from 41'-9" to 36'-0"; and

WHEREAS, based on its review of the streetscape and the revised drawings, the Board finds that the proposed bulk is compatible with the character of the neighborhood; 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, 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 R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space ratio, side yards, 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 February 19, 2014" – (13) sheets; and *on further condition:*

THAT the following will be the bulk parameters of the building: a maximum floor area of 8,179 sq. ft. (1.02 FAR), a building height of 36'-0"; a minimum open space ratio of 52, side yards with minimum widths of 13'-4" and 3'-8", and a minimum rear yard depth of 20'-0", as illustrated on the BSA-approved plans;

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,

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

Printed in Bulletin Nos. 12-13, Vol. 99.

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

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 25, 2014.

The resolution has been amended. Corrected in Bulletin Nos. 16-18, Vo. 99, dated May 8, 2014.

