

***CORRECTION**

These resolutions adopted on April 8, 2014, under Calendar No. 207-13-BZ and printed in Volume 99, Bulletin No 15, is hereby corrected to read as follows:

207-13-BZ

APPLICANT – Harold Weinberg, P.E., for Harold Shamah, owner.

SUBJECT – Application July 3, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141); and less than the required rear yard (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 177 Hastings Street, east side of Hastings Street, between Oriental Boulevard and Hampton Avenue, Block 8751, Lot 456, 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 Brooklyn Borough Commissioner of the New York City Department of Buildings (“DOB”), dated March 14, 2014, acting on DOB Application No. 320864695, reads in pertinent part:

The proposed enlargement creates new non-compliances, as follows:

1. Increases the existing degree of non-compliance with reference to floor area and is contrary to sections 23-141;
2. Increases the existing degree of non-compliance for floor area ratio and is contrary to sections 23-141;
3. Increases the existing non-compliance for wall height contrary to sections 23-631;
4. Increase the existing non-compliance for rear yard and is contrary to sections 24-37; and

WHEREAS, this is an application under ZR § 73-622, to permit, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), perimeter wall height, and rear yard, contrary to ZR §§ 23-141, 23-47, and 23-631; 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 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, and Commissioner Ottley-Brown; and

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

WHEREAS, the subject site is located on the east side of Hastings Street, between Oriental Boulevard and Hampton Avenue, within an R3-1 zoning district; and

WHEREAS, the site has a lot area of 4,000 sq. ft. and is occupied by a single-family home with a floor area of 3,612 sq. ft. (0.9 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 now seeks an increase in the floor area from of 3,612 sq. ft. (0.9 FAR) to 4,044.8 sq. ft. (1.01 FAR); the maximum permitted floor area is 2,000 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 2,400 sq. ft. (0.6 FAR); and

WHEREAS, the applicant also seeks to decrease its rear yard depth from 25’-9” to 20’-0”; a minimum rear yard depth of 30’-0” is required; and

WHEREAS, finally, the applicant seeks to maintain and extend its existing, non-complying perimeter wall height of 24’-0”; the maximum permitted perimeter wall height is 21’-0”; and

WHEREAS, the Board notes that ZR § 73-622(3) allows the Board to waive the perimeter wall height only in instances where the proposed perimeter wall height is equal to or less than the height of the adjacent building’s non-complying perimeter wall facing the street; and

WHEREAS, the applicant represents that the proposed perimeter wall height (24’-0”) is equal to the height of both adjacent buildings’ non-complying perimeter walls facing the street 24’-0”); the applicant submitted the adjacent buildings’ certificates of occupancy, which indicate that they and the subject building are substantially identical and were constructed at the same time with the same perimeter wall height facing the street; 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 1.01 FAR is consistent with the bulk in the surrounding area and that, within a 200-ft. radius of the site, every home has been enlarged in recent years; and

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WHEREAS, accordingly, the Board agrees with the applicant 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 R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio ("FAR") and rear yard, contrary to ZR §§ 23-141 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 April 1, 2014"- (9) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 4,044.8 sq. ft. (1.01 FAR), a maximum perimeter wall height of 24'-0", 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, 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.

The resolution have been amended to correct the floor area which read: ...“3,910 sq. ft. (0.98 FAR)”. Now reads: ...“4,044.8 sq. ft. (1.01 FAR)” Corrected in Bulletin No. 20, Vol. 99, dated May 21, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 8, 2014.
Printed in Bulletin No. 15, Vol. 99.**

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

