

**16-14-BZ**

APPLICANT – Law Office of Lyra J. Altman, for Saul Greenberger & Rochelle Greenberger, owners.

SUBJECT – Application January 27, 2014 – Special Permit (§73-621) for the enlargement of an existing one family residence, contrary to floor area, lot coverage and open space (§23-141). R3-2 zoning district

PREMISES AFFECTED – 1648 Madison Place, west side of Madison Place between Avenue P and Quentin Road, Block 7701, Lot 59, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

**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 Montanez .....5  
Negative:.....0

**THE RESOLUTION –**

WHEREAS, the decision of the Department of Buildings (“DOB”), dated January 9, 2014, acting on DOB Application No. 320814669, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio is greater than the maximum permitted;
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space is less than the minimum required;
3. Proposed plans are contrary to ZR 23-141 in that the proposed lot coverage exceeds the maximum permitted; and

WHEREAS, this is an application under ZR §§ 73-621 and 73-03, to permit, within an R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space and lot coverage, contrary to ZR § 23-141; and

WHEREAS, a public hearing was held on this application on May 13, 2014, after due notice by publication in *The City Record*, and then to decision on June 10, 2014; and

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

WHEREAS, Community Board 18, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the west side of Madison Place, between Avenue P and Quentin Road, within an R3-2 zoning district; and

WHEREAS, the site has 31 feet of frontage along Madison place and 3,100 sq. ft. of lot area; and

WHEREAS, the site is occupied by a single-family home with 1,415 sq. ft. of floor area (0.46 FAR); and

WHEREAS, the applicant proposes to

horizontally enlarge the cellar, first, and second stories at the rear of the building, resulting in an increase in floor area from 1,415 sq. ft. (0.46 FAR) to 1,968 sq. ft. (0.64 FAR); the maximum permitted floor area is 1,860 sq. ft. (0.6 FAR), which includes 310 sq. ft. of floor area (0.1 FAR) that must be provided directly under a sloping roof; and

WHEREAS, the applicant seeks a decrease in open space from 73 percent to 63 percent; the minimum required open space ratio is 65 percent; and

WHEREAS, the applicant seeks an increase in lot coverage from 27 percent to 37 percent; the maximum permitted lot coverage is 35 percent; and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge buildings containing residential uses that existed on December 15, 1961, or, in certain districts, on June 20, 1989; therefore, as a threshold matter, the applicant must establish that the subject building existed as of that date; and

WHEREAS, the applicant submitted an excerpt of the 1929 Belcher-Hyde map to demonstrate that the building existed as a residence well before June 30, 1989, which is the operative date within the subject R3-2 zoning district; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available to enlarge the building; and

WHEREAS, ZR § 73-621 permits the enlargement of a residential building such as the subject single-family home if the following requirements are met: (1) the proposed open space ratio is at least 90 percent of the required open space; (2) in districts where there are lot coverage limits, the proposed lot coverage does not exceed 110 percent of the maximum permitted; and (3) the proposed floor area ratio does not exceed 110 percent of the maximum permitted; and

WHEREAS, as to the open space, the applicant represents that the proposed reduction in the open space results in an open space that is at least 90 percent of the minimum required; and

WHEREAS, as to the lot coverage, the applicant represents that the proposed increase in lot coverage results in a lot coverage that does not exceed 110 percent of the maximum permitted; and

WHEREAS, as to the floor area ratio, the applicant represents that the proposed floor area does not exceed 110 percent of the maximum permitted; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; and

WHEREAS, at hearing, the Board directed the applicant to clarify the extent to which the enlargement includes floor area directly under a sloping roof; and

WHEREAS, in response, the applicant clarified that it proposes an additional 277 sq. ft. of floor area directly under a sloping roof; and

**16-14-BZ**

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, the Board finds that the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-621 and 73-03.

*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 §§ 73-621 and 73-03, to permit, within an R3-2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space and lot coverage, contrary to ZR § 23-141; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received January 27, 2014"—(9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 1,968 sq. ft. (0.64 FAR), a minimum open space ratio of 63, and a maximum lot coverage of 37 percent, 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) only; no approval has been given by the Board as to the use and layout of the cellar;

THAT the approved plans shall 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 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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,  
June 10, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, June 10, 2014.  
Printed in Bulletin Nos. 22-24, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

