

306-13-BZ

APPLICANT – Lewis E. Garfinkel for Howard Berglas, owner.

SUBJECT – Application November 20, 2013 – Special Permit (§73-622) for the enlargement of an existing two-family home to be converted to a single-family home, contrary to floor area, lot coverage and open space (§23-141); and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 3766 Bedford Avenue, west side of Bedford Avenue, 350' south of corner of Bedford Avenue and Avenue P, Block 6787, Lot 23, 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 February 25, 2014, acting on DOB Application No. 320590473, reads in pertinent part:

1. ZR 23-141(b) - Proposed floor area exceeds permitted floor area;
2. ZR 23-141(b) - Proposed open space is less than permitted;
3. ZR 23-141(b) - Proposed enlargement exceeds permitted lot coverage;
4. ZR 23-47 - Proposed rear yard is less than required; and

WHEREAS, this is an application under ZR § 73-622, to permit, within an R3-2 zoning district, the conversion (from a two-family home to a single-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 March 11, 2013, after due notice by publication in *The City Record*, and then to decision on April 8, 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 15, Brooklyn, recommends approval of this application; and

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

WHEREAS, the site has 50 feet of frontage along Bedford Avenue and 5,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-family home with 3,528 sq. ft. of floor area (0.71 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 two-family home to a single-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 3,528 sq. ft. (0.71 FAR) to 3,664 sq. ft. (0.73 FAR); the maximum permitted floor area is 2,500 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to reduce its open space from 63 percent to 62 percent; the minimum required open space is 65 percent; and

WHEREAS, likewise, the applicant seeks to increase its lot coverage from 37 percent to 38 percent; the maximum lot coverage permitted is 35 percent; and

WHEREAS, the applicant also seeks to decrease its non-complying rear yard depth from 29'-6" to 27'-4"; 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 0.73 FAR is a modest increase from the existing, non-complying 0.71 FAR, and that the building is consistent with the setback, appearance, and height of the existing streetscape; and

WHEREAS, at hearing, the Board directed the applicant to verify that the proposed turret is within the required building envelope; and

WHEREAS, in response, the applicant submitted revised drawings showing that the turret is in compliance; 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 R3-2 zoning district, the conversion (from a two-family home to a single-family home) and enlargement of an existing residential building, which does not comply with the zoning requirements for FAR, open

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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 25, 2013"- (12) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 3,664 sq. ft. (0.73 FAR), a minimum open space of 62 percent, a maximum lot coverage of 38 percent, and a minimum rear yard depth of 27'-4", 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.

Printed in Bulletin No. 15, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

