

457-56-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Medow-"The Shop" 148-152L.P., owner.

SUBJECT – Application November 19, 2013 – Extension of Term of variance permitting accessory parking of motor vehicles, customer parking, and loading and unloading in conjunction with adjacent factory building. R6B zoning district.

PREMISES AFFECTED – 152-154 India Street, Southern side of India Street, 150 ft. east of intersection of India Street and Manhattan Avenue. Block 2541, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #1BK

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, this is an application for a re-opening and an extension of term for a variance permitting a commercial parking lot within a residence district, which expired on February 13, 2014; and

WHEREAS, a public hearing was held on this application on April 8, 2014, after due notice by publication in *The City Record*, with a continued hearing on May 13, 2014, 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, the subject site is located on the south side of India Street, between Manhattan Avenue and McGuinness Boulevard, within an R6B zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since December 4, 1956, when it granted an application under the subject calendar number to permit accessory and consumer parking, loading and unloading in connection with a factory building located on an adjoining lot; and

WHEREAS, the grant has been extended and amended over the years, most recently on January 11, 2005, when, under the subject calendar number, the Board granted an extension of term for ten years, to expire on February 13, 2014; and

WHEREAS, the applicant now seeks an additional extension of term; and

WHEREAS, at hearing, the Board directed the

applicant to: (1) remove the barbed wire along the fence on the India Street frontage; and (2) submit proof that the subject parking lot and adjacent warehouse building are in common ownership; and

WHEREAS, in response, the applicant submitted: (1) photos depicting the removal of the barbed wire; and (2) the deed for each lot, which reflects that the lots are in common ownership; and

WHEREAS, pursuant to ZR § 11-411, the Board may, in appropriate cases, allow an extension of the term of a pre-1961 variance; and

WHEREAS, the Board has determined that the evidence in the record supports the finding required to be made under Z.R. § 11-411.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated December 4, 1956, so that as amended the resolution reads: “to permit the extension of the term of the variance for an additional ten (10) years from February 13, 2014 expiring on February 13, 2024; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received November 19, 2013” -(1) sheet; and *on further condition*;

THAT the term of the variance will expire on February 13, 2024;

THAT barbed wire will not be installed atop the fence on the India Street frontage;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT a 100-percent opaque fence with a height of eight feet will be installed and maintained along the easterly lot line;

THAT the above conditions will appear on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); 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 plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application #301801904)

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.

