

64-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Norma Chakkalo and Abdo Chakkalo, owners.

SUBJECT – Application February 11, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141), side yards (§23-461) and less than the required rear yard (§23-47). R4 (OP) zoning district.

PREMISES AFFECTED – 712 Avenue W, south side of Avenue W between East 7th Street and Coney Island Avenue, Block 7184, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 January 23, 2013, acting on DOB Application No. 320705368, reads in pertinent part:

The proposed enlargement of the existing one-family residence in an R4 (Ocean Parkway) zoning district:

1. Creates non-compliance with respect to floor area by exceeding the allowable floor area ratio, contrary to Section 23-141 of the Zoning Resolution
2. Creates non-compliance with respect to lot coverage/open space, contrary to Section 23-141 of the Zoning Resolution
3. Creates non-compliance with respect to side yard by not meeting the minimum requirements of Section 23-461 of the Zoning Resolution
4. Creates non-compliance with respect to rear yard by not meeting the minimum requirements of Section 23-47 of the Zoning Resolution; and

WHEREAS, this is an application under ZR § 73-622, to permit, within an R4 zoning district, within the Special Ocean Parkway District, the proposed enlargement of a semi-detached, single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space, lot coverage, 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 February 4, 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 Chair Srinivasan, Commissioner Hinkson and Commissioner Montanez; and

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

WHEREAS, the subject site is located on the north side of Avenue W, between East 7th Street and Coney Island Avenue, within an R4 zoning district, within the Special Ocean Parkway District; and

WHEREAS, the site has a lot area of 2,675 sq. ft. and is occupied by a detached, single-family home with a floor area of 2,094 sq. ft. (0.78 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 2,094 sq. ft. (0.78 FAR) to 3,490 sq. ft. (1.3 FAR); the maximum permitted floor area is 2,006 sq. ft. (0.75 FAR); and

WHEREAS, the applicant seeks to reduce the open space from 71 percent to 42 percent; the minimum required open space is 55 percent; and

WHEREAS, the applicant seeks to increase the lot coverage from 29 percent to 58 percent; the maximum permitted lot coverage is 45 percent; and

WHEREAS, the applicant seeks to maintain and extend its existing non-complying side yard width of 3'-9"; one side yard with a minimum width of 8'-0" is required; and

WHEREAS, the applicant also seeks to decrease its rear yard depth from 41'-2¼" to 20'-0"; a minimum rear yard depth of 30'-0" is required; and

WHEREAS, the applicant represents and the Board agrees 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, at hearing, the Board directed the applicant to clarify that: (1) the proposed party wall was permitted to exceed the maximum building height and sky-exposure plane; and (2) the slope of the proposed driveway was less than 11 percent; and

WHEREAS, in response, the applicant confirmed that the proposed party wall was a permitted obstruction and that the proposed slope of the driveway was ten percent; 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

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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 R4 zoning district, within the Special Ocean Parkway District, the proposed enlargement of a semi-detached, single-family home, which does not comply with the zoning requirements for FAR, open space, lot coverage, 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 11, 2013"- (2) sheets, "December 23, 2013"-(9) sheets and "March 11, 2014"-(1) sheet; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 3,490 sq. ft. (1.3 FAR), a minimum open space of 42 percent, a maximum lot coverage of 58 percent, a side yard with minimum width of 3'-9", 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, March 25, 2014.

**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.**

