

157-14-BZ

APPLICANT – Lewis Garfinkel, for Cham Tessler, owner.

SUBJECT – Application July 3, 2014 – Special Permit (§73-622) for the enlargement of an existing single family, two story semi-detached residence to be combined into a single family, two story detached residence contrary to floor area and open space ZR 23-141; side yard ZR 23-461 and less than the required rear yard ZR 23-47. R-2 zoning district.

PREMISES AFFECTED – 1151 East 29th Street, east side of East 29th St. 360 feet north from the corner of Avenue L, Block 7629, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings (“DOB”), dated July 1, 2014, acting on DOB Application No. 320917273, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141(A) in that the proposed floor area ration (FAR) exceeds the permitted 50%;
2. Proposed plans are contrary to ZR 23-141 (A) in that the proposed open space ratio (OSR) is less than required 150%;
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30’-0” and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R2 zoning district, the proposed enlargement of a single-family home consisting of two formerly independent two-story semi-detached homes, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio and rear yards, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on February 24, 2014, after due notice by publication in *The City Record*, and then to decision on March 10, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site is located on the east side of East 29th Street, between Avenue K and Avenue L, within an R2 zoning district; and

WHEREAS, the site has 40 feet of frontage along East 29th Street, a depth of 105 feet, and 4,200 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, single-family home consisting of two formerly independent two-story semi-detached homes with 2,705 sq. ft. of floor area (0.64 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 to enlarge the building, resulting in an increase in the floor area from 2,705 sq. ft. (0.64 FAR) to 3,178.40 sq. ft. (.76 FAR); the maximum permitted floor area is 2,100 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 101 percent to 79 percent; the minimum required open space ratio is 150 percent; and

WHEREAS, the applicant seeks to decrease its rear yard from 39’-4” to 25’-0””; the requirement is a minimum depth of 30’-0””; 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, at hearing, the Board expressed concern about the impact of the proposed FAR and 20’-0” rear yard; and

WHEREAS, the applicant submitted a land use study showing sites within 400’ of the subject site 29 sites consisting of single- and two-family homes have FAR’s ranging from .70 to 1.55; 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, on a site within an R2 zoning district, the proposed enlargement of a two-story, single-family home consisting of two formerly independent two-story semi-detached homes, which does not comply with the zoning requirements for FAR, open space ratio, and rear yards, 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 November 12, 2015”– (9) sheets; and *on further condition*:

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THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,178.40 sq. ft. (.76 FAR), a minimum open space ratio of 79 percent and a rear yard with a minimum depth of 25'-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 DOB/other jurisdiction objections(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by March 10, 2019; 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 10, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, March 10, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

