

220-13-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Yitzchok Perlstein, owner.

SUBJECT – Application July 22, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (§23-141(a)); side yard (§23-461) and less than the required rear yard (§23-47). R-2 zoning district.

PREMISES AFFECTED – 2115 Avenue J, north side of Avenue J between East 21st and East 22nd Street, Block 7585, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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

WHEREAS, the decision of the Brooklyn Borough Commissioner of the New York City Department of Buildings (“DOB”), dated January 21, 2014, acting on DOB Application No. 320771660, reads in pertinent part:

1. Proposed floor area is contrary to ZR 23-141(a) in that the proposed FAR exceeds the permitted 0.50
 2. Proposed open space is contrary to ZR 23-141(a) in that the proposed OSR is less than the required 150 percent
 3. 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, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, and rear yard, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on January 14, 2014, after due notice by publication in *The City Record*, with a continued hearing on February 4, 2014 and then to decision on February 25, 2014; and

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

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

WHEREAS, the subject site is located on the north side of Avenue J, between East 21st Street and East 22nd Street, within an R2 zoning district; and

WHEREAS, the site has a lot area of 5,000 sq. ft. and is occupied by a single-family home with a floor area of 3,885.72 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 3,885.72 sq. ft. (0.78 FAR) to 4,999.87 sq. ft. (1.0 FAR); the maximum permitted floor area is 2,500 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to reduce the open space ratio from 92 percent to 55 percent; the minimum required open space ratio is 150 percent; and

WHEREAS, the applicant also seeks to decrease its rear yard depth from 30’-8½” to 20’-0”;

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, in particular, the applicant represents that the proposed 1.0 FAR is consistent with the bulk in the surrounding area and submitted an analysis indicating that there are eight homes within one block of the site with an FAR of 1.0 or greater; and

WHEREAS, at hearing, the Board directed the applicant to add notes to the plans indicating that porches and decks would be subject to the approval of DOB; and

WHEREAS, in response, the applicant submitted amended plans showing the required notes; and

WHEREAS, accordingly, the Board agrees with the applicant that the proposed bulk is compatible with the character of the neighborhood; 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 R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space ratio, and rear yard, 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 January 21, 2014”- twelve (12) sheets and “February 18, 2014” – one (1) sheet; and *on further condition:*

THAT the following will be the bulk parameters of the building: a maximum floor area of 4,999.87 sq. ft. (1.0 FAR), a minimum open space ratio of 55

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percent, and a minimum rear yard depth of 20'-0", as illustrated on the BSA-approved plans;

THAT porches, decks, and calculation of floor area will subject to the approval of DOB;

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, February 25, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 25, 2014.
Printed in Bulletin Nos. 8-9, Vol. 99.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

