



Zoning Board of Appeals
Department of Planning & Community Development
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Shawyn Patterson-Howard
Mayor

Michael Justino
Chair

**ZONING BOARD OF APPEALS
MEETING/HEARING
AGENDA
SEPTEMBER 20, 2022**

A work session of the Zoning Board of Appeals will be held on Tuesday, September 20, 2022, at 6:00 PM in the Mayor's Conference Room, Room 107A, on the 1st floor of City Hall. The regular meeting of the Zoning Board of Appeals will be continued at 6:30 PM on September 20, 2022. Applicants and members of the public will be permitted to attend and make public comment via in person attendance.

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- August 16, 2022 minutes

ITEM #3 PUBLIC HEARINGS

Continued Public Hearing

3.1 Calendar #1764-Z 219 Tecumseh Avenue (Section 165.82, Block 4041, Lot 19) located in the R2-4.5 Zoning District.

Applicant is applying for four area variances in order to subdivide the subject property into two lots. The subject property consists of 8,000 sf (80' x 100') which is proposed to be subdivided into two 40' x 100' lots. Lot 19A is occupied by an existing residence at 219 Tecumseh Avenue. The existing 2,006 sf residence was built in 1903. Lot 19B will be vacant and used for the development of a new two-family residence. The subject property is an interior lot in the two-family R2-4.5 zone. It is on the east side of Tecumseh Avenue located between East Fourth Street and Beekman Avenue. Lot 19B has a significant tree (larger than 8" (DBH) in the middle of the parcel.

Review of widths/frontages for lots along Tecumseh Avenue

Staff of the Planning Department conducted this review. On the east side of Tecumseh Avenue, the two adjacent properties to the north of the subject property and the five properties to the south all have a 40' lot width and frontage. This represents 88% or seven lots out of the eight interior lots on the east side of Tecumseh Avenue. The remaining lot has 65' frontage. On the west side of Tecumseh, there are eight interior lots with four lots having 40' frontage or 50% of the interior lots. There is one lot at 224 Tecumseh opposite the vacant portion of the subject property which has a double lot with 100' frontage. The remaining three lots on the west side have frontages of 50', 60' and 64'.

Area Variances Requested:

Lot Width and Frontage of 40' where minimum of 50' is required

Lot Area of 4,000 sf where 4,500 sf is required

Lot Area per dwelling unit of 2,000 sf where Lot Area per Dwelling Unit of 2,250 sf is required

Applicant is providing driveway for parking where parking requirement is 1 space per dwelling. For an attached 2-family residence, both spaces are required to be in a garage.

SEQRA – The ZBA confirmed that the proposed action was a Type II action at their May meeting.

Continued Public Hearing

3.2 Calendar 1767-Z 454 South Ninth Avenue (Section 169.38, Block 3047, Lots 14 & 15) in the RMF-6.75 Residential District.

The Applicant is Derri Kreshnik. He is represented by Mr. Shahin Badaly, PE. Applicant is requesting area variances to subdivide and reapportion two existing lots (lots 14 & 15) consisting of 10,500 sf and 2,525 sf, respectively. Applicant is requesting area variances to allow subdivision of total 13,025 sf property into 4 lots. Would build attached 2-family residence on each of the 4 lots (total of 8 units). The property is zoned RMF-6.75. *The attached 2-family units are regulated under the R2-4.5 zoning district.*

ZBA discussed the parking requirements, the number of units and number of bedrooms in each unit, and the tandem parking spaces (for renters) and maneuverability of these spaces. Comment from a Commissioner indicated that the applicant should do attached single family residences which would address the parking and the maneuverability of the spaces.

The applicant has provided a “Cost to Build” letter for the Board’s review. The letter provides the estimated costs for building four 2-family homes.

Area Variances Requested:

Lot area is a minimum of 4,500 sf. Area variance for lot area is required for each of the lots: Lot A and D have 3,158.85 sf and Lots B and C are 3,414.1 sf.

Lot area minimum per dwelling unit is 2,250 sf. Area variance needed for Lot A and D which have 1,579.42 sf. Lot B & C have 1,707.1 sf.

Lot width and frontage requirement is 50’. Area variance needed for Lots A & D which provide 30.07’ and Lots B & C which provide 32.5’.

Side yard setback requirement is 5’. Since the proposal is for attached dwellings on each lot, there is a party wall between the structures which would result in a 0’ side yard setback.

The total side yard setback requirement is 12’. An area variance is needed for Lots A & D which provide 7.67’ while Lots B & C provide 7.83’.

Number of off-street parking spaces. Parking requirement is 1 space per unit, both spaces required to be in a garage. Applicant is providing only a one-car garage on each lot where two off-street parking spaces in garages are required for each lot.

SEQRA Determination: The ZBA confirmed that the proposed action was a Type II action at their May meeting.

Continued Public Hearing

3.3 Calendar 1768-Z 405 South Fifth Avenue (Section 169.31, Block 3090, Lot 01) in the RMF-6.75 Residential District.

Applicant is Derri Kreshnik. The Applicant’s representative is Mr. Shahin Badaly, PE. Applicant is requesting an area variance to subdivide the 10,500 sf property into two 5,250 sf lots. It has an existing residence on the site. Would build attached single-family residence on each of the 2 lots (total of 4 units). There will be 2 spaces per unit in a garage under the residence provided, accessible from driveway from West Fifth Street. The property is zoned RMF-6.75. This is not a use variance.

Area Variance Requested:

Minimum side yard setback of 0' is proposed where 5' is required.

SEORA Determination: The ZBA confirmed that the proposed action was a Type II action at its July meeting.

Continued Public Hearing

3.4 Calendar 1769-Z 357 Bedford (Section 169.25, Block 4052, Lots 12 and 13) in the R2-4.5 Residential District

The Applicant is Sanatkumar Muhajir (Testamentary Trust). The Applicant's representative and architect is Mr. Tom Abillama. Application consists of two properties on the east side of Bedford Avenue at East Fifth Street.

Applicant will demolish an existing 2-car garage on Lot 12 and subdivide into two lots with attached two family residences on each lot. Lot 12.1.A will provide parking in a garage under the unit and an outdoor space in the driveway. The second Lot 12.1.B will provide outdoor parking for two vehicles at the rear of the house and driveway accessible from East Fifth Street.

Area Variances Requested:

Lot 13 (357 Bedford Avenue)

Outdoor parking spaces - 1 parking space per unit is required (2 total). Both spaces for the 2-family residence should be in a garage. Two new outdoor parking spaces are being added on a new driveway leading from Bedford Avenue.

Subdivided lots on Lot 12 (12.1.A and 12.2 B)

Lot area minimum of 4,500 sf is required. 3,750 sf proposed.

Floor area per dwelling unit minimum of 2,250 sf is required. 1,875 sf proposed.

Front Yard 20' minimum is required. 18'4" (12.1.A) and 12'4" (12.2.B) proposed.

Rear Yard 20' minimum is required. 10'8" is proposed on 12.1A.

Side Yard minimum 5' each and 12' combined required. 10' combined proposed.

Building Coverage of 40% maximum is required. 45% proposed.

SEORA Determination: The ZBA confirmed that the proposed action was a Type II action at its July meeting.

Note: Work Sessions will be open to the public but closed to public participation subject to the Open Meetings Law, [Section 105 of New York State Public Officers Law, Article 7].

Note: Items listed on the agenda are subject to change and amendments and/or additions may be placed on the agenda.

Upcoming Dates

- **TUESDAY, October 18, 2022, at 6:00 pm for ZBA Work Session**
- **TUESDAY, October 18, 2022, at 6:30 pm for Regular Meeting of the ZBA**

Marlon Molina 2nd Deputy Planning Commissioner

cc: Shawyn Patterson-Howard, Mayor
Chair, Planning Board
James Rausse, Planning Commissioner
Building Commissioner
Corporation Counsel
City Clerk
Lobby