



ZRD2: Zoning Challenge with response

**Scan sticker will be affixed
by Department staff**

Must be typewritten.

DECISION (To be completed by a Buildings Department official)

Review Decision: ☐ Challenge Denied ☒ Challenge Accepted, Follow-Up Action(s) Required (indicate below)

☒ Issue notice of intent to revoke
☐ Issue stop work order

Applicable Zoning Section(s): ZR 72-20 (Variances)

Comments:

This challenge to the Department's zoning approval for the alteration and residential enlargement of the existing house of worship has been accepted for the challenger's listed items 1 & 4, as a number of valid questions have been raised with respect to consistency between the DOB-approved plans and the plans approved in connection with the BSA variance (BSA Calendar No. 74-07-BZ). The four main challenge points raised are addressed below:

1. The Department is unable to make a determination on the specific question of the validity of the BSA variance on the grounds that the underpinning for the "programmatic need" argument has changed, however the fact that interior layouts have very substantially changed throughout all floors of the proposed building warrant that the applicant return to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board.
2. Consistent with BSA and DOB practice, rooftop mechanical bulkheads and stair or elevator bulkheads may be modified post-BSA-approval provided they fully comply with the applicable underlying regulations for height and/or coverage for such permitted obstructions above a building height limit.
3. The setback terrace proposed in DOB plans, while not specifically identified in BSA plans as being an accessible terrace, is substantially in compliance with the BSA approval.
4. With respect to the altered location of the caretaker's apartment, such change is not substantially consistent with the BSA-approved variance plans, and the applicant shall return to the Board of Standards and Appeals for a modification of the previous approval, or other measure as deemed appropriate by the Board.

Therefore, this zoning challenge to the Department's approval of new building application #121328919 is accepted for items 1 & 4. Upon review of the information submitted with the challenge request, the Zoning Resolution, and other available information concerning the property and project, the Department will take appropriate action based on the results of said investigation.

Name of Authorized Reviewer (please print):

Title (please print):

Authorized Signature:

Date:

Time:

Issuers: write signature, date, and time on each page of the challenge and attach this form

APPROVED

Date: 09/22/2015