

**BOARD OF ZONING APPEALS
OCTOBER 8, 2007**

9:30

Calendar No. 07-187:

4200 East 71ST Street

Ward 12

Anthony Brancatelli

35 Notices

Newburgh & South Shore Railway LLC, owner, and North Coast Ferrous Supply, Inc., tenant, appeal to use as a scrap yard a five acre portion of an approximate fifty-five acre railroad yard located, in a General Industry District on the west side of East 71st Street at 4200 East 71st Street; as proposed, the yard areas used to process scrap metals are not designated nor enclosed as required and the lot abuts a Two-Family District, contrary to Section 345.04(a)(3) that requires a scrap yard to be enclosed within a minimum seven foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence, located not closer to the street line than the setback building line and not closer than fifty feet to any Residence District; and under the provisions of Section 347.06(d), the height of material shall not be piled higher than three feet above the wall or fence height enclosing the yard, provided that at any point closer than five feet, the material shall not be piled above the heights of the wall or fence; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, as stated in Section 349.07(a) of the Codified Ordinances. (Filed 8-31-07) _____

9:30

Calendar No. 07-188:

8411 Broadway Avenue

Ward 2

Robert White

13 Notices

Community Assessments and Treatment Services, Inc., owner, appeal to erect a 23,000 square foot, two and one-half story building to be used as a correctional halfway house for 46 residents and a substance abuse treatment facility for 48-94 outpatients, with 28 employees or staff, and to erect a new 44 space parking lot on an irregular shaped corner parcel located in split zoning between a General Retail Business District and a Semi-Industry District on the southeast corner of Broadway and Brunner Avenues at 8411 Broadway Avenue; the proposed use being subject to the provisions of Section 347.15(c) for the required approval by the Board of Zoning Appeals and as proposed being contrary to the Separation Standards and Section 347.15(d)(1) that do not permit a correctional halfway house to be established on a lot within 500 feet of a church or school; and the proposed use is adjacent to a correctional halfway house at 8415 Broadway Avenue, contrary to the separation requirement, where the use cannot be established on a lot within 2,000 feet of another such use, as stated in Section 347.15(d)(2) of the Codified Ordinances. (Filed 9-4-07) _____

**BOARD OF ZONING APPEALS
OCTOBER 8, 2007**

9:30

Calendar No. 07-191:

6825 Broadway Avenue

Ward 12

Anthony Brancatelli

7 Notices

Edens & Avant, owner, and Kakon Jones, lessee, appeal to establish use as a day care center in an existing one-story building, located in a General Industry District on an acreage parcel on the north side of Broadway Avenue at 6825 Broadway Avenue; the proposed use being subject to the limitations of Section 345.04 and by reference, as regulated in a Semi-Industry District and the provisions for Retail Business uses and conditions, where no building or Institutional H Occupancy Classification shall be located within 200 feet of the boundary line of an adjoining General or Unrestricted Industry District, and no existing building within 200 feet of such boundary line shall be converted or altered to any such use, except that the Board of Zoning Appeals may, in specific instances, permit such to be erected, converted or altered when the development of the immediately surrounding area is essentially residential in character, as stated in Section 345.03(b) of the Codified Ordinances. (Filed 9-6-07)

9:30

Calendar No. 07-192:

4315 Marvin Avenue

Ward 14

Joseph Santiago

5 Notices

Antonio Lateulade, owner, appeals to install approximately 20 lineal feet of 4 foot high chain link fence in the actual front yard of a 35' x 125.50' parcel located in a Two-Family District on the south side of Marvin Avenue at 4315 Marvin Avenue; contrary to the Fence Regulations, a chain link fence is proposed and in residential districts, only ornamental fences shall be installed in actual front yards and in actual side street yards if located within 4 feet of the side street property line. The Board of Zoning Appeals may, however, permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Codified Ordinances.

(Filed 9-10-07)

9:30

Calendar No. 07-202:

12407 Arlington Avenue

Ward 9

Kevin Conwell

13 Notices

Karim Salman, owner, appeals to construct a new gas station and three retail stores proposed to be on consolidated parcels in a Local Retail Business District on the northwest corner of Arlington Avenue and East 125th Street at 12407 Arlington Avenue; the proposed gas station being subject to the limitations of Section 343.01, not permitted in a Local Retail Business District but first permitted in a General Retail Business District according to the provisions of Section 343.11(b)(I)(5) of the Codified Ordinances. (Filed 9-25-07)

**BOARD OF ZONING APPEALS
OCTOBER 8, 2007**

POSTPONED FROM SEPTEMBER 10, 2007

10:30

Calendar No. 07-168:

1250 Riverbed Street

Ward 13

Joe Cimperman

6 Notices

Newman-Newman, Inc., owner, and Gelsomino Esplandiu, tenant, appeal to change use from offices to assembly, nightclub and amusement in an existing two and six-story masonry building situated on a 232' x 46' irregular shaped corner lot, located in a General Retail Business District on the northwest corner of Riverbed and Elm Streets at 1250 Riverbed Street; contrary to the accessory off-street parking requirements of Section 349.04(e), no parking spaces are provided and 77 parking spaces are required; and the substitution of a nonconforming use requires the Board of Zoning Appeals approval according to the provisions of Section 359.01(a) of the Codified Ordinances. (Filed 8-15-07; testimony taken.)

First postponement taken for appellants to meet with Flats Oxbow Development Corporation and neighboring residential occupants regarding the proposed change of use.
