

## Queens Civic Congress Questions DOB on another error

Email sent: Sat., 19 April 2008 5:09 p.m. to Buildings Commissioner Patrica Lancaster, Queens  
Commissioner Derek Lee, copy to John Young at Queens City Planning Dept. Office.  
Subject: Department of Buildings Error-permitting illegal separation of tax lot.

### **Another Department of Buildings Error?**

#### **One of the New Houses on the Corner of 45<sup>th</sup> Avenue and 149 Street Do Not Conform to the local Zoning.**

Today (4-19-08) I visited the newly built houses presently for sale on the corner of 45<sup>th</sup> Avenue and 149<sup>th</sup> Street in response to complaints by neighbors regarding their non-conforming to the zoning resolution. The two houses were legally built on a single tax lot because the lot was not big enough to divide into two legal tax lots. As such the DOB confirmed that the original tax lot with the two houses would always be considered a single property. Since that time, the original single tax lot has been divided into two tax lots. One being of adequate size to legally build a house and the other 145 square feet shy of being a legal buildable lot per the 2005 zoning change.

Location: Original address-----149-04 45<sup>th</sup> Avenue  
Original lot size----- 60 X 110  
Original Block/Lot-----Block 5432, lot 1  
Zoning as of May 11, 2005-----R3X

**R3X Zoning requires:      3,325 square feet minimum lot size  
   **35 foot frontage**  
   **30 foot rear yard (waived on corner property—see side yards)**  
   **10 feet of side yards with non less than 2 feet (corner property**  
   **is composed of all side yards)****

These houses are now on newly created tax lots 1 and 5, lot 1 is 57 X 60 and lot 5 is 60 X 53, lot 1 with a total area of 3,420 square feet and lot 5 with a total area of 3180 square feet. Each of the houses has a footprint of 42 X 25. The house on lot 1 faces 149 Street and the one on lot 5 faces 45<sup>th</sup> Avenue. Lot 1 has a frontage of 60 feet and lot 5 has a frontage of 53 feet, both frontages conform to the zoning.

**After researching this data I find that the building on lot 5 at 149-08 45<sup>th</sup> Avenue does not conform to the zoning regulation for R3X.** In addition, the address of lot 1 should be on 149<sup>th</sup> Street, not 45<sup>th</sup> Avenue since the frontage is on 149<sup>th</sup> Street. Since the required lot size in R3X zoning is 3,325 square feet and the area of lot 5 is only 3,180 square feet (145 square feet shy of the lot size required in an R3X zone) a building permit or lot reapportionment should not have been allowed by the Department of Buildings.

Since the house on lot 5 is illegal because it does not conform to the minimum lot area for R3X zoning, I strongly suggest that the C of O not be issued by the DOB. As of 4/19/08 the C of O was still in review.

– Joe Amoroso  
Queens Civic Congress Zoning & Code Enforcement Co-Chair & Kissena Park Zoning Chair