To: [submit@bsa.nyc.gov](mailto:submit@bsa.nyc.gov)

Deadline is by Nov 24th!  Send asap.

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Use Subject Line: Comment on BSA Item No. 2021‐41‐BZ, 22-38 Cumming St, Dec 13-14 Hearing

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Dear Board of Standards and Appeals,

My name is \_\_\_\_\_\_\_\_ and I [reside/own my residence] at \_\_\_\_\_\_\_\_\_\_ in the same Inwood, Manhattan neighborhood as the subject site.

I am writing to provide comment to the BSA to request that they reject the two variances in this  application.  I am aware of the applicant’s presentation to the CB12 Land Use Committee

and their application to the BSA. I am deeply concerned that approving variances of this scale in a contextual zoning area will be a dangerous precedent that other property owners in the R7A area will take note of and try to emulate, and the whole purpose of contextual zoning will be defeated.

As was established in the recent Inwood Rezoning, R7A zoning was applied to existing residential areas of Inwood to preserve much of the existing built environment -- 98% of all Inwood residential buildings are 8 stories or less, and most around the subject site of this application are 6 stories or less.  In return, districts that were formerly industrial and non-residential were upzoned for high-density development of up to 30 story heights.

As was apparent in the years of public meetings relating to the rezoning, many community residents supported the R7A zoning .  So permitting a project an exception to R7A would run against the wishes of the community as expressed repeatedly in testimony throughout the rezoning process.

This site was subdivided in 2017 and sold for redevelopment, with the buyer knowing full well about the existing topography - and yet the land price used in their financial analysis did not reflect this.  Any hardship was therefore self-created.  Even if a hardship were justified for the parking requirement the applicant did not analyse any scenario except for the proposed building with both variances -- any such outcome would require reapplication and resubmission.

There was also no demonstrated need to violate the R7A zoning height limits by granting additional height since the lot coverage indicated a suitably large footprint was viable.  The result of these variances would be a building 49% larger in terms of number of apartments than the as-of-right scenario, which does not seem like a “variance” as much as a “rezoning” to achieve a size that City Planning would never support in a recently rezoned area.

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*Add more statements here as desired to address the five points that a variance must address in order to be approved:*

* *Unique Condition*
* *Hardship*
* *Conform to the Character of the Neighborhood*
* *Hardship not Created by Owner*
* *Minimum Variance Required*

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While the CB12 Land Use Committee did express some support at their meeting, there was extremely limited public comment or awareness since the application details were not known in advance and in fact have never been discussed in the four years of prior public meetings about this site.  Nor were the details of the 2021 DOB filing six months ago disclosed to the public or the committee.  The committee was also unaware of the true height of the proposed development relative to its neighbors due to incomplete information.

As a member of the public and resident of the neighborhood I strongly condemn the obfuscation tactics behind this application and urge rejection of both of the proposed variances.  They simply are not merited at this location nor anywhere else within the Inwood Rezoning.

Sincerely,

[Name]

[Address]

[Phone or email]