

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: June 22, 1977

TO: All Borough Superintendents

FROM: Irving E. Minkin, Director of Operations

SUBJECT: Board of Estimate Review of Decisions of the Board of Standards and Appeals relating to Zoning Variances and Special Permits under the Zoning Resolution

Section 668(c) of the New York City Charter has been amended and reads as follows:

"c. Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission and the board of estimate. Copies of the decision shall also be filed with the affected community board or borough board. Within thirty days of such decision, an appeal may be taken to the board of estimate by an applicant or other interested party, community board or borough board. In the event of an appeal, the board of estimate, in its discretion, may accept jurisdiction in such matter within thirty days after the filing of the appeal and shall render a decision within thirty days after accepting jurisdiction. In the case of an application to determine and vary the building zone resolution, review by the board of estimate shall be limited to an administrative determination as to whether the decision of the board of standards and appeals under each of the specific requirements of the zoning resolution was supported by substantial evidence before the board of standards and appeals. The board of estimate may approve or disapprove such decision and shall provide written findings and an explanation of the basis for its decision under the zoning resolution."

The time frame, therefore, is:

1. Within 30 days, an appeal may be taken to the Board of Estimate.
2. Within 30 days after the filing of the appeal, the Board of Estimate may accept jurisdiction.
3. Within 30 days after accepting jurisdiction, the Board of Estimate shall render a decision.

The Board of Estimate may approve or disapprove the decision of the Board of Standards and Appeals.

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