OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn,NY 11217	**Summons No:** 039169802Z et al. (1 Summons) DEPT OF BUILDINGS, -against- 2246 81 STREET LLC **Hearing Date:** 10/06/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$1,250.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039169802Z	Sustained	12/09/2025	2246 81 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B283	ZR 25-41	Sustained	$1,250.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq., appeared as the attorney for the respondent, 2246 81 Street, owner of the property at 2246 81 Street, Brooklyn. Kimberly Manas, Esq., appeared as the attorney for the petitioner, the Department of Buildings.

The summons alleges that there were no signs of a dealership; however, 8 unregistered cars without plates were observed parked in driveways on both left and right sides of house. As per ZR 25-41, this is illegal in this R5 district.

The respondent is charged with Zoning Resolution 25-41, which provides that in R1 through R10 districts, off-street parking spaces that are accessory to residences must comply with the provisions of that section. ZR §§ 25-411 and 25-412 generally

provide that in specified residential districts, "such spaces shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such residences." DOB v. C & M Farmers Blvd LLC, Appeal No. 2500046, February 27, 2025.

Respondent's attorney challenged the class designation due to the transient nature.

Petitioner's attorney maintained the class 2 designation. There are eight vehicles, and it does not seem safe to have all of the vehicles there. There are wires there.

Respondent's attorney stated that these are vehicles that are contained entirely within a residential house. They all belong to the owner in a gated driveway, not on the street. There are no wires. It was a hose in the driveway. Simply there are vehicles next to a home. The only basis for a ZR charge is that there are no license plates on the vehicles. They are not posing any obstruction to pedestrians. They are strictly on the homeowner's own property. Based on these factors, this is not a major violation affecting the public. Class is an element of the charge.

Petitioner's attorney stated that if they were being used transiently, it would be safer. By the nature of the vehicles, being combustible and right next to each other, it would could cause hazard to the property and the adjoining property. There is an electrical wire extension cord under the silver vehicle and a house appliance on the right, which may have been an air conditioning unit.

Respondent's attorney's statements are not persuasive and do not provide a meritorious defense. Because an unregistered vehicle could not be operated on the street, it is not being "used by the occupants" of respondent's residence. The storage of such a vehicle without license plates constitutes "dead storage," which is a use that is permitted in only commercial and manufacturing districts. Dead storage "is not permitted in any residential district and the use of accessory off-street parking in any residential district is generally limited to long-term storage of passenger vehicles used by the occupants of the residence." See DOB v. Ramkumar Meetoo, Appeal No. 2500025, February 27, 2025. I credit the inspector's factual allegations and petitioner's evidence, and find that at the time of inspection, respondent stored eight unregistered cars without plates in the driveway in an R5 district, contrary to the Zoning Resolution. I also find that this is a class 2 violation. As petitioner's attorney asserted, petitioner's photos show that there is an electrical wire extension cord near a vehicle, which is combustible in nature. This condition poses a threat that affects life, health, safety, and property, but does not warrant immediate corrective action. Accordingly, the summons is sustained and the statutory $1,250 penalty is due.

10/19/2026

10/19/2026

Grace Chen, Judicial Hearing Officer	Date