



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# : 039129907Z et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

JIN DONG WANG

Hearing Date : 1/6/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 250.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039129907Z	Sustained	11/09/2024	40-28 193 STREET, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B383	ZR 25-41	Sustained	250.00

Total Penalty for Summons: 250.00

Findings of Facts & Conclusions of Law

This telephone hearing was held on January 6, 2026. Petitioner, NYCDOB, appeared by Phoebe Dossett, Esq.

This summons alleges a Class 2 violation of ZR 25-41 (Use of Spaces Accessory to Permitted Residential Uses). The summons states that at the time of inspection, the Issuing Officer (IO) observed a silver Honda Accord with no license plates/registration park in front yard (dead storage) partially obstructing sidewalk and violating parking regulations in a residential district. RCA was issued on 8/24/2024 by Inspector Badge #3226; not corrected. The first hearing was scheduled for 1/14/2025.

Ms. Slavin relied on the affirmed statements of the IO in the summons.

Ms. Dossett made an application to dismiss the summons arguing that the summons fails to set forth the Respondent's zoning district. She also challenged the Class 2 designation, arguing that the was not an immediately hazardous violation.

Ms. Slavin submitted the DOB Property Profile Overview (P-1) to show that Respondent's building was zoned for R-4 (General Residential District) She also made an application to amend this violation to a Class 3 violation under Infraction Code B383. Her application is granted on consent.

Ms. Dossett stated that the Respondent had corrected this violation prior to the first hearing date and she submitted a photo taken by Respondent to support Respondent's request for a mitigated penalty (R-A).

Ms. Slavin recommended a mitigated penalty.

ZR 25-41 states that for R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12 Districts: "In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are accessory to residences shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such residences, except as set forth in this Section. (a) Within individual parking spaces: accessory off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of such residences; and (b) Within group parking facilities: (1) in the Inner Transit Zone, all accessory off-street parking spaces may be made available for public use. Outside the Inner Transit Zone, accessory off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of such residences; and (2) up to five spaces or 20 percent of all accessory off-street parking spaces, whichever is greater, may be allocated to: (i) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 25-44, including accessory equipment and electric vehicle parking spaces. Accessory off-street parking spaces shall be restored when such charging facilities are removed; or (ii) car sharing vehicles. However, spaces designed and operated pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the residences to which they are accessory within 30 days of a written request to the landlord"

I credit the affirmed statements of the IO in the summons (as amended to a Class 3 violation) and Petitioner's evidence and I find that Respondent is in violation of ZR 25-41. I also credit Respondent's evidence and I find that this violation was corrected prior to the first hearing date. Therefore, this Class 3 violation is sustained and a mitigated penalty of \$250 is imposed.



01/06/2026

01/06/2026

Barbara Halper, Judicial Hearing Officer

Date