



New York State Archives

**New York State Division of Code Enforcement and
Administration Decisions on Variance Petitions 18954**

New York State Archives
222 Madison Avenue
Albany, NY 12230
archref@nysed.gov
URL: <http://www.archives.nysed.gov/>

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Overview of the Records

Repository:	New York State Archives
Summary:	The series consists of original decisions on variance petitions issued by the Department of State's Codes Division and by Regional Boards of Review. Files include summaries of grievances and relief sought; findings of fact; conclusions of law; and determinations. Also included are petition files produced by the Division of Housing and Community Renewal relating to property owners who had received citations for code violations.
Creator:	New York (State). Division of Code Enforcement and Administration
Title:	Decisions on variance petitions
Quantity:	182 cubic feet
Inclusive Date:	1967-1991, 1998-2000, 2002-2003, 2006
Series:	18954

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Arrangement

Numerical by petition number.

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Administrative History

Functions pertaining to regulation of housing construction and enforcement of building codes were originally executed by the State Building Code Commission, which was established under Chapter 800 of the Laws of 1951. This statute required the commission to appoint three of its members to a State Building Construction Board of Review that performed functions almost identical to those later assigned to the modern Regional Boards of Review.

In 1961 (Chapter 197) the State Building Code Commission was abolished and replaced by the State Building Code Council, which was administratively placed within the Division of

Housing. The State Building Construction Board of Review was retained and continued its responsibilities.

Chapter 707 of the Laws of 1981 (Article 18 of the Executive Law) authorized the secretary of state to promulgate rules and regulations prescribing minimum standards for the administration and enforcement of the State Uniform Fire Prevention and Building Code. This included establishing and implementing procedures to grant variances to any provision or requirement of the code in cases when strict compliance could entail practical difficulties or unnecessary hardship, or would otherwise be unwarranted. The law also provided for establishment of five Regional Boards of Review to grant such variances.

Although enacted in 1981, provisions of Chapter 707 did not become effective until January 1, 1984. In 1984, the functions of the former State Building Code Council remained with the Division of Housing and Community Renewal (DHCR). Only the functions of the State Building Construction Board of Review were transferred to the Dept. of State (DOS). The DOS's Codes Division administers the variance procedure and provides administrative support for the Boards.

Since 1984, persons or organizations seeking a variance submit petitions to the DOS Codes Division. Upon receipt of a petition, a Codes Division analyst determines if all information necessary to complete a review is present. If not, the division informs the petitioner what is needed. Upon review of completed petitions, Codes Division staff either issue or deny the variance or refer the petition to one of the Regional Boards, depending on the class of building and type of variance required.

Decisions rendered by division staff deal with routine petitions; the regional boards deal with more complicated ones. Cases are classified according to standards stated in 19 NYCRR 450.6. Following hearings, board staff forward all original hearing records to Codes Division offices in Albany. Division staff use these records to prepare detailed formal decisions, copies of which go to the applicant and the local government building department. The DOS central division office is the office of record for all original records relating to variances.

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Scope and Content Note

The series consists of original decisions on variance petitions issued by the Department of State's Codes Division and by Regional Boards of Review. Files include summaries of the nature of the grievance and relief sought; findings of fact; conclusions of law; and determinations. The decisions document the basic function of regulating architectural design and construction to promote public safety.

18954-98: This accretion consists of petition files produced by the Division of Housing and Community Renewal (DHCR). Almost all of the petitions originated from property owners who had received citations for code violations from local government building code inspectors. While variance requests range from slight size deviations in easements and sidewalks to major

structural variations intended to accommodate innovative architectural designs, most involve rather routine issues.

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Other Finding Aids

Available at Repository

18954-08: Container list is available at the repository.

18954-19, 18954-21: Transfer lists are available at the repository.

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Use of Records

Access Restrictions

There are no restrictions regarding access to or use of this material.

Administrative Information

Acquisition Information

18954-19, 18954-20: These accretions include records from transfer list 000005.

18954-21: This accretion includes records from transfer list 020003.

18954-23: This accretion includes records from transfer list 03038A.

18954-24: This accretion includes records from transfer lists 020027 and 050028.

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Access Terms

- Petitioning
- Fire prevention--Law and legislation
- Building laws--New York (State)
- Enforcing building codes
- Regulating construction
- Zoning law
- Decisions
- New York (State)
- Protecting
- Petitions
- New York (State). Division of Housing and Community Renewal
- New York (State). Department of State. Codes Division