NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF BUILDING STANDARDS AND CODES

APPLICATION FOR
ENERGY CODE VARIANCE

ENERGY CONSERVATION CONSTRUCTION CODE of
NEW YORK STATE

(FOR OFFICE USE ONLY)
APPLICATION NO:

____________________________

Received _______________________(Date)

This is an application for a variance regarding applicable provisions of the New York State Energy Conservation Construction Code. To commence review of the application, the application must be signed by the applicant or authorized agent, contain all necessary documentation, and be deemed complete by staff of the Division of Building Standards and Codes.

Submit two complete and identical copies of the completed and signed application form and all required documents as follows:

One electronic copy via email to: energy.code.support@dos.ny.gov.

One physical copy by mail to:

  Department of State, DBSC, Suite 1160
  Attn: Energy Code Services Unit
  One Commerce Plaza
  Albany, NY 12231
PART 1 - GENERAL INFORMATION

Applicant
(Check one) ☐ Owner ☐ Agent ☐ Architect or Engineer ☐ Attorney
Name: ____________________________________________________________
Title/Company: ____________________________________________________
Mailing Address: ___________________________________________________
Telephone: ______________________________ e-mail: ______________________

PROPERTY
☐ City ☐ Town ☐ Village of ___________________ County of ________________
Property: ___________________________________________________________
Address: ____________________________________________________________
Tax Map Number: ____________________________________________________

PART 2 - APPLICABLE ENERGY CODE AND RELIEF REQUESTED

Applicable Energy Code version (Year) ___________
Compliance Path Chosen: ☐ Prescriptive ☐ Performance ☐ Energy Rating Index (ERI)

On the chart below, list the specific code sections which are the subject of your variance request. (Use separate sheet if necessary).

<table>
<thead>
<tr>
<th>CODE SECTION(S)</th>
<th>TOPIC</th>
<th>RELIEF SOUGHT</th>
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Previous Action:
Has any previous action related to the subject property been taken by the Department of State or another administrative agency or a court? (Include any formal interpretations, decisions or informal advisories issued by the Department of State, local government, or other entity).
☐ No ☐ Yes (Describe below and provide relevant documents. Use separate sheet if necessary).

Has the local Code Enforcement Official been consulted regarding this variance application?
☐ No ☐ Yes

I make this application pursuant to New York State Energy Law and I assert under penalty of perjury that the information furnished by me in support of this application is true and correct to the best of my knowledge.

SIGNATURE ___________________________ DATE: ___________________________
PART 3 - ADDITIONAL CONTACT INFORMATION

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<tr>
<th>Architect or Engineer (if any):</th>
<th>Other interested person or organization (if any):</th>
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<td>Name _________________________</td>
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<td>Street Address ___________________</td>
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(Attach additional pages, if necessary)

PART 4 - BUILDING STATUS AND PROJECT INFORMATION

A. OCCUPANCY CLASSIFICATION (As defined in the Energy Code. Check all that apply for mixed use buildings)
   - □ Residential Building
     - □ Detached one- or two-family dwelling (Three stories above grade or less)
     - □ Townhouse (Three stories above grade or less)
     - □ R-2, □ R-3, or □ R-4 (Three stories above grade or less)
     - □ Other (Specify) __________________
   - □ Commercial Building [all others]

B. BUILDING DESCRIPTION AND PROJECT INFORMATION

Statistics:
- Number of stories _________  Construction Type _________
- Gross Area (All floors) ________ sq. ft.  Gross Affected Area ________ sq. ft.

Date of last Certificate of Occupancy _________

Project type (As defined in the Energy Code. Check all that apply)
- □ New building
- □ Addition to existing building
- □ Alteration or renovation of existing building or building system
- □ Repair
- □ Change of Occupancy

Project type / status
- □ In planning
- □ Work in progress started ________________ (Date)
- □ Work completed ________________ (Date)
- □ Other, specify __________________________________

Permit/Compliance Status
- □ Building Permit Application ________________ (Date)
- □ Building Permit ________________ (Date)
- □ Certificate of Occupancy ________________ (Date)
- □ Orders to Remedy ________________ (Date)
- □ Failed Inspection ________________ (Date)
- □ No official allegation of non-compliance

Note: Attach all pertinent documents
PART 5 - SUBJECT OF THE APPLICATION

According to §11-106 of the New York State Energy Law, a standard or requirement of the Energy Conservation Construction Code of New York State may only be varied or modified, in whole or part, with regard to specific construction where strict compliance would entail practical difficulty or cause any unnecessary hardship in relation to such construction. Any such variance or modification shall provide for alternative energy conservation standards or requirements to achieve to the extent practicable the purposes of the code.

Provide a brief description of the relief requested, including a description of the practical difficulty or unnecessary hardship in relation to specific construction:

________________________________________________________________________________________

________________________________________________________________________________________

Identify the specific alternative energy conservation standard(s) or requirement(s) that are proposed to be provided to compensate and achieve the purposes of Article 11 of the New York State Energy Law:

________________________________________________________________________________________

________________________________________________________________________________________

PART 6 – DOCUMENTS

A. **Required Documents** (Supplemental to this application form)
   - **Summary:** Describe the project, the present conditions, the proposed work, the details of the variance request, and support of the grounds for relief you listed above.
   - **Construction Documents:** Pertinent drawings and/or specifications in sufficient quantity and quality to clearly describe the requested variance or modification. Such documents may include dimensioned floor plans, elevations, sections, and construction details. Any documents submitted should be identical to those submitted to the code enforcement official or be noted otherwise.
   - **Cost Substantiation:** Where excessive and unreasonable cost is identified as a hardship, submit quotes, invoices, and/or cost estimates, as applicable.

B. **Supplementary Documents:** Submit such materials as photographs, charts, reports, detailed descriptions, or any other information that can be used to describe the nature of the request more fully. List any such supplementary materials by Exhibit Number in the chart below. Use additional sheets if necessary.

Submitting extraneous documents without relevance to this application or without properly identifying its relevance will delay the processing time of such application.

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