



Nassau County Fire Commission
Office of the Fire Marshal
1194 Prospect Avenue
Westbury, N.Y. 11590
(516) 573-9900
nassaucountyny.gov/firemarshal

Application for Variance or Appeal

*All Fields marked with an *asterisk must be completed for this form to be submitted.*

All completed applications must:

- *Be Signed. Unsigned applications will be returned.*
- *Include any additional plans or documentation needed to support your request*

PART 1 – GENERAL INFORMATION

PART 2 – ADDITIONAL REQUIRED CONTACT INFORMATION

PART 3 – BUILDING INFORMATION

PART 4 – APPLICABLE NCFPO / CODE RELIEF INFORMATION

PART 5 – SUBJECT OF PETITION

PART 6 - DOCUMENTS

PART 7 - FILING AND SIGNATURE

PART 1 - GENERAL INFORMATION

PETITIONER Name: * _____

(Check One) Owner Agent Architect or Engineer Attorney Other (*Specify*) _____

Company Name / Title: * _____

Mailing Address (number and street, city, state, zip code): * _____

Telephone: * _____ Email Address: * _____

PROPERTY City Town Village of _____ County of _____

Street Address: * _____ Zip Code _____

Property Name: (*If Applicable*) _____

<u>OWNER (If other than Petitioner) *</u>	<u>CODE ENFORCEMENT OFFICIAL *</u>
Name: _____	Name: _____
Street Address: _____	Street Address: _____
City: _____ State: ____ Zip: _____	City: _____ State: ____ Zip: _____
Telephone: (____) _____	Telephone: (____) _____
Email: _____	Email: _____

Part 2 – ADDITIONAL CONTACT INFORMATION (attach additional pages if necessary)

ARCHITECT or ENGINEER

Name: _____

Street Address: _____

City: _____ State: ____ Zip: _____

Telephone: (____) _____

Email: _____

FIRE MARSHAL or INSPECTOR

Name: _____

Street Address: _____

City: _____ State: ____ Zip: _____

Telephone: (____) _____

Email: _____

FIRE DEPARTMENT CONTACT PERSON

Name: _____

Street Address: _____

City: _____ State: ____ Zip: _____

Telephone: (____) _____

Email: _____

OTHER INTERESTED PERSON OR ORGANIZATION

Name: _____

Street Address: _____

City: _____ State: ____ Zip: _____

Telephone: (____) _____

Email: _____

PART 3 – BUILDING INFORMATION *

Occupancy Classification: (check all that apply for mixed use buildings)

- | | | | | | |
|---------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Assembly | <input type="checkbox"/> A-1 | <input type="checkbox"/> A-2 | <input type="checkbox"/> A-3 | <input type="checkbox"/> A-4 | <input type="checkbox"/> A-5 |
| Business | <input type="checkbox"/> B | | | | |
| Educational | <input type="checkbox"/> E | | | | |
| Factory | <input type="checkbox"/> F-1 | <input type="checkbox"/> F-2 | | | |
| Hazardous | <input type="checkbox"/> H-1 | <input type="checkbox"/> H-2 | <input type="checkbox"/> H-3 | <input type="checkbox"/> H-4 | <input type="checkbox"/> H-5 |
| Institutional | <input type="checkbox"/> I-1 | <input type="checkbox"/> I-2 | <input type="checkbox"/> I-3 | <input type="checkbox"/> I-4 | |
| Mercantile | <input type="checkbox"/> M | | | | |
| Residential | <input type="checkbox"/> R-1 | <input type="checkbox"/> R-2 | <input type="checkbox"/> R-3 | <input type="checkbox"/> R-4 | |
| Storage | <input type="checkbox"/> S-1 | <input type="checkbox"/> S-2 | | | |
| Utility | <input type="checkbox"/> U | | | | |

Construction Type: (If more than one is applicable, specify where each occurs in the building)

- Type 1A – Fire Resistive
- Type 1B – Fire Resistive
- Type IIA – Non-Combustible – Protected
- Type IIB – Non- Combustible – Unprotected
- Type IIIA – Ordinary – Protected
- Type IIIB – Ordinary – Unprotected
- Type IV – Heavy Timber
- Type VA – Wood Frame – Protected
- Type VB – Wood Frame – Unprotected

Height / Stories & Area:

Height in feet: _____

Number of stories above a basement: _____ (include any attic spaces)

Total floor area of largest story (*gross square feet*): _____

Floor area of entire building (*gross square feet; include any basement areas*): _____

Project Type:

- New Building
- Addition to Existing Building
- Repair
- Alteration Level 1
- Alteration Level 2
- Alteration Level 3
- Change of Occupancy
- Other: _____

Project Status:

- In-Planning (*Tentative Start Date*): ____/____/____
- Work in Progress (*Start Date*): ____/____/____
- Work Completed (*Completion Date*): ____/____/____

Part 4 – APPLICABLE CODE RELIEF REQUESTED * (check any that apply)

- Nassau County Fire Prevention Ordinance
- Other: (*Specify*): _____

PART 5 – SUBJECT OF PETITION (variance and/or appeal, both may be requested)

- Variance
- Appeal
- Appeal/Variance

On the chart below, list specific code section(s) which are the subject of your application.
(Use a separate sheet if necessary).

CODE SECTION(S)	TOPIC	RELIEF SOUGHT

VARIANCE*

To be eligible for variance you must document which of the following apply:

Strict compliance with sections above would entail practical difficulties, unnecessary hardship or would otherwise be unwarranted because such (*check the statements that apply and provide appropriate documentation*):

- | | |
|---|--|
| <input type="checkbox"/> 1. would create an excessive and unreasonable economic burden; | Reasons attached in EXHIBIT _____ |
| <input type="checkbox"/> 2. would not achieve its intended objective; | Reasons attached in EXHIBIT _____ |
| <input type="checkbox"/> 3. would inhibit achievement of some other important public policy; | Reasons attached in EXHIBIT _____ |
| <input type="checkbox"/> 4. would be physically or legally impracticable; | Reasons attached in EXHIBIT _____ |
| <input type="checkbox"/> 5. would be unnecessary in light of alternatives which, without loss in the level of safety, achieve the intended objective of the code; | Reasons attached in EXHIBIT _____ |
| <input type="checkbox"/> 6. would entail a change so slight as to produce a negligible benefit; | Reasons attached in EXHIBIT _____ |
| <input type="checkbox"/> 7. additional benefit consonant with the purpose of the code; | Reasons attached in EXHIBIT _____ |

APPEAL

An appeal is a request for a Board of Fire Commission review, to review any order or determination or the failure within a reasonable time to make any such order or determination by a Code Enforcement Official. Describe the order or determination and explain specifically why you believe the order or determination; or failure to act is incorrect; improper or otherwise unwarranted. This should include specific explanations relative to code sections cited.

- A.** An order or determination or the failure to make said order or determination in a timely fashion; or the failure to issue a permit or other document in a timely fashion is appealed. A copy of the order or determination is attached as **EXHIBIT _____**. Briefly describe the order or determination (*additional sheets may be used if necessary*).

-
- B.** Attached **EXHIBIT _____** are reasons why the order or determination should be reversed or modified or why other relief should be fashioned so as to do justice among the parties.
-

PART 6 – DOCUMENTS

Required Documents: *(Supplemental to the petition form)*

Summary: Describe the project, present conditions, proposed work, details of the appeal and/or variance requests along with support of the grounds for relief you checked above.

Site Plans: Indicate size and location of all structures on the premises *(if applicable)*

Building Plans: Drawings in sufficient quantity and quality to clearly describe the requested variance or modification. Such drawings may include dimensioned floor plans, elevations, sections and construction details. Any drawings submitted should be identical to those submitted to the code enforcement official or be noted otherwise.

Supplementary Documents: Submit such materials as photographs, charts, detailed descriptions or any other information that can be used to more fully describe the nature of the request. List any such supplementary materials by Exhibit number:

EXHIBIT NUMBER	DESCRIPTION

PART 7 – FILING AND SIGNATURE

NON-REFUNDABLE FILING FEE (Checks must be made payable to: **Nassau County Treasurer**)

Fire Commission review cases require 9 sets of documents. For appeals and variance reviews, a hearing will be scheduled once all required materials are received by the Nassau County Office of the Fire Marshal and a Fire Marshal representative has confirmed the application is complete.

- Variance Review Hearing \$500.00
- Appeal Review hearing \$500.00
- Variance / Appeal Hearing \$1000.00

Previous Action:

Has any previous action related to the subject property been taken by any State, Local or Administrative Agency or a Court? *(Include any formal interpretations, decisions, orders or informal advisories issued).*

- No
- Yes (describe and provide relevant documents)

I make this application pursuant to Article II, Section 2.6 and assert under the penalties of perjury that the information provided in support of this application is true and correct to the best of my knowledge.

SIGNATURE:* _____ **DATE:*** _____