



Issuance #41

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES

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CHARLES M. SMITH, Jr., R.A., *Commissioner*

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Administration  
Policy & Procedure # 10/87

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TO: Distribution

FROM: Terry Keely, Assistant Commissioner for Administration

DATE: September 4, 1987

SUBJECT: After Hour Variance Procedures

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After Hour Variance Procedures

Purpose

To establish procedures covering the application for review and issuance of After-Hour Variance Permits.

Specifics

Effective September 14, 1987, the Department of Buildings will charge an application fee of \$100.00 for all requests to obtain a variance from the restriction on time during which construction activities may be conducted.

In addition, the Department of Buildings will collect a permit fee of \$80.00 per variance day for approved variance applications.

The variance may be granted for an initial period of up to a maximum of three days. Continuances beyond three days must be submitted as a new application, and will be subject to the application fee of \$100.00 and the permit fee of \$80.00 per day.

## Filing

Prior to review, an original plus three copies of the Request for a Variance Application (B Form 20A, 2/86) should be submitted to the cashier in the appropriate borough office. The cashier should review the application for completeness. Incomplete applications should not be accepted; they should be returned to the applicant immediately. The application fee of \$100.00 must be paid at the time of filing.

## Acceptance

The deadline for acceptance of variance applications is:

Weekend Variances: No later than 3:00 pm of the Tuesday preceding the requested weekend date.

Weekday Variances: By 3:00 pm, at least three (3) business days prior to the requested variance day.

No variance requests will be accepted after the deadline.

## Cashier Function

The Cashier will validate the Application transaction in the filing fee block area on the application (front) using the Miscellaneous register key. The original and two copies of the application should be returned to the applicant for submission to the Borough Superintendent's office for review. The third copy of the application must be maintained by the cashier's office for daily reconciliation purposes. A separate reporting category 000800 entitled After Hour Variance Application and Permit has been established to report the revenue on the ACRAF 400 (Cash Receipt Form).

Subsequent to review by the Borough Superintendent's office, if the variance permit is authorized, the applicant must return to the cashier and pay the appropriate permit fee. The actual permit will be issued at the cashier's office.

The transaction will be validated on the permit fee block area on the permit (back of form) using the Miscellaneous register key.

The original is returned to the applicant, a copy must be forwarded to the Borough Superintendent's office and a copy must be maintained by the cashier's office for daily reconciliation.

Permits will be available no earlier than noon on Friday for

weekend variances and noon of the day of the approved variance for weekday requests.

### Borough Superintendent's Office

The Borough Superintendent's office may not accept any application that has not been validated by the cashier's office.

The Borough Superintendent's office will review the request and authorize or deny a permit.

- A. If approved, the Borough Superintendent's office must do the following:
1. Check the approved box on the front of the application.
  2. Sign and date the application form.
  3. Complete the back of the form (below the double lines).
  4. Indicate the permit fee due (\$80.00 per variance day) in the fee block area on the back of the application.
  5. Return both the original and the two copies of each application form, in block/lot order to the cashier for validation, upon payment by the applicant of the permit fee, as a permit.

Applications must be given to the cashier by

- Friday, 9:00 a.m. for weekend variances
- Nine a.m. of the requested weekday variance day

6. After validation, the cashier will return a copy of the permit to the Borough Superintendent's office which will be responsible for distribution of a copy of each approved permit to the Assistant Commissioner for Operations, the Community Board, the Night Emergency Squad and the Department of Environmental Protection.

If a request is granted limited approval, the limited approval box must be checked, the form must be signed and dated and the limitations must be clearly stipulated on the permit. Steps 3-6 for approved requests must be followed.

- B. If a request is denied the Borough Superintendent's office must do the following:
1. Check the denied box on the front of the application.

- 2. Sign and date the application form.
  - 3. Forward copies of the denied requests to the Assistant Commissioner for Operations, the Community Board, the Night Emergency Squad and the Department of Environmental Protection.
- C. On a monthly basis, the Borough Superintendent's office will forward a listing of all variance sites and dates requested to the Assistant Commissioner for Operations. This listing should indicate action taken, i.e. approved/denied/limited approval.

Renewals

Requests for extensions beyond three days, i.e. renewals, must be processed as new applications subject to the application fee of \$100.00 and, if approved, the permit fee of \$80.00 per day up to a maximum of three days. The procedures remain the same as detailed above.

Question with respect to fees and collection procedures should be addressed to Linda Jackson, Director of Fiscal Operations at (212) 312-8208. Questions with respect to operational issues concerning review and approval of variance applications should be addressed to Fred Pocci, Assistant Commissioner for Operations at (212) 312-8004.

For your information, the following is attached:

- Legislation authorizing After Hour Variance fees.
- The rules and regulations relating to the payment of fees for After-Hour Variances.
- Completed ACRAF 400 (Cash Receipt) forms.
- B Form 20A (2/86) - Request for a Variance
  - blank and a
  - completed sample
- Sample of a format for Variance Request Listing.

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Terry Keely