



**TEXAS DEPARTMENT OF LICENSING AND REGULATION  
REGULATORY PROGRAM MANAGEMENT - ARCHITECTURAL BARRIERS**

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**VARIANCE APPLICATION**

A separate variance application must be submitted by the owner (or owner's designated agent) for each (non-compliant) condition within a single building or facility which must include a \$175.00 **non-refundable application fee**. If the project has not already been registered and assigned a TDLR project number, an additional \$175.00 **non-refundable registration fee** must be included with the application.

In addition, the application must be accompanied by plans (site and/or architectural) of all affected areas and any supporting documentation that provides adequate proof that compliance with the specific Texas Accessibility Standard (TAS) is impractical or irrelevant to the nature, use, or function of the building or facility. The department shall issue a decision based on the information submitted with the application as well as Texas Government Code §469.151 and §469.152. **Incomplete applications will not be processed.**

**FORM MUST BE COMPLETED IN FULL**

**PLEASE PRINT OR TYPE**

1. Has this project been reviewed for compliance with TAS? <input type="checkbox"/> Yes <input type="checkbox"/> No	2. If yes, name of RAS who reviewed the project:		
3. Has this project been inspected for compliance with TAS? <input type="checkbox"/> Yes <input type="checkbox"/> No	4. If yes, name of RAS who inspected the project:	5. If yes, date of inspection:	

6. Project Name:	7. TDLR Project #: (If registered.)		
8. Building/Facility Name:			
9. Address:	Suite No.:	City:	Zip Code:

10. Description: Indicate the type of project: <input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration	11. Scope of Work: (Describe the construction activities)		
12. Estimated Project Construction Cost:	13. Original date of construction of this building/facility:		
14. Square Footage of Building:	15. Square Footage Per Floor:		
16. Is this building a qualified historic building? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, a copy of the determination of effect letter from the Texas Historical Commission (THC) must accompany this application.	17. Is this building being considered for a state lease? <input type="checkbox"/> Yes <input type="checkbox"/> No Is a state agency currently located in this building? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the state lease number:		

18. State the TAS reference number for which the variance is requested:	19. State the specific location of the violation within the building or site:
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20. Explain <u>in detail</u> , why compliance with this TAS standard cannot be achieved: (attach additional sheets if necessary)			
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21. Intent to Apply: I hereby apply for a variance or waiver from the Texas Accessibility Standards as required for compliance with the Texas Architectural Barriers Act, Government Code, Chapter 469. (Check One): I am the <input type="checkbox"/> Owner <input type="checkbox"/> Owner's Agent (If you are not the owner, a completed Owner Agent Designation form must accompany this application).			
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22. Name:	23. Company/Firm:		
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24. Address:	City:	State:	Zip Code:
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25. Phone Number: ( )	26. Fax Number: ( )	27. Email:	
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28. Signature:	29. Date:
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## **INSTRUCTIONS FOR COMPLETING VARIANCE APPLICATION FORM – AB 013**

- 1-2. Has this project been reviewed by a Registered Accessibility Specialist (RAS) for compliance with the Texas Accessibility Standards TAS? If yes, enter the name of the reviewer.
- 3-5. Has this project been inspected by a RAS for compliance with TAS? If yes, enter the name of the inspector and the date of the inspection.
6. Project Name - Enter the name of the project (examples: CLASSROOM ADDITION, TENANT FINISH OUT FOR DR. SMITH)
7. TDLR Project # - Enter the TDLR project number for the project (if one has been assigned). (examples EABPRJB0000001 or TABS201900001).
8. Building/Facility Name – If the project is part of another building or facility, enter the name of the building or facility (examples: WASHINGTON HIGH SCHOOL, MEDICAL OFFICE TOWER).
9. Address- Enter the physical location, including the street address if available and the suite number if applicable, city and zip code. Post office box numbers are not acceptable.
10. Description: Indicate the type of project: New Construction/Addition/Alteration – Check only the box which represents if this is new construction, an addition or an alteration project.
11. Scope of Work – Provide a detailed description of what is being renovated, constructed or altered in as much details as possible for this project.
12. Estimated Project Construction Cost – Enter the estimated cost of construction.
13. Original date of construction of this building/facility– Enter the year of initial construction of this building/facility (Month/Year)
14. Square Footage of Building – Enter the total gross square footage of the building for which the variance is being requested.
15. Square Footage per Floor - Enter the total gross square footage per floor for which the variance is being requested.
16. Is this building a qualified historic building? – Check yes or no. If yes, a copy of a letter of support from the Texas Historical Commission (THC) must accompany this application as proof that compliance with TAS will threaten or destroy the building or facility's historic significance.
17. Is this building being considered for a state lease? Is a state agency currently located in this building – Check yes or no. If yes, provide the state lease number.
18. State the TAS reference number for which the variance is requested - Enter the TAS reference number (for example: TAS 404.2.4, 202.4, etc.). A separate variance application is required for each non-compliant condition (TAS reference number)
19. State the specific location of the violation within the building or site: Enter the location of the violation (for example: 2nd floor break room; accessible parking in northwest parking lot, etc.).
20. Explain in detail why compliance with the TAS standard cannot be achieved – Enter the justification(s) for non-compliance. Adequate proof must be provided with the application (for example: if the justification for non-compliance is based on site conditions, the application should be accompanied by a grading plan or other verifiable documentation that demonstrates the limitations of the site). Non-compliance based on cost will not be considered for any new construction projects.
21. Intent to Apply – Read the "Intent to Comply" statement and indicate whether the applicant is the owner or owner's agent.
- 22-27. Name – Enter the name, company (if applicable), address, phone, fax, email of the Owner or Owner's Agent.
28. Signature – Signature of the Owner or Owner's Agent entered in box 22.
29. Date – Enter the date this form is signed.

### **WHAT TO SUBMIT**

1. A completed and signed Variance Application Form for each non-compliant condition.
2. \$175.00 non-refundable fee for each application. Submit a check or money order payable to "Texas Department of Licensing and Regulation": P.O. Box 12157, Austin, Texas 78711.
3. A completed and signed Architectural Barriers Project Registration Form or AB Confirmation Page and the \$175.00 non-refundable registration fee must accompany this application, if the project has not already been assigned a TDLR project number (EABPRJ# or TABS#). Projects with an estimated construction cost of less than \$50,000 are not required to obtain a plan review or inspection; however, the fees are still required.
4. The applicant must submit documentation to support the request for variance to prove that compliance with a specified standard or Law (Chapter 469.181(a)(1)) is impractical. Such standards are:
  - TAS 106.5.25- Disproportionality (alteration)
  - TAS 103- Equivalent Facilitation (cannot violate TAS 201.1)
  - TAS 106.5.37- Maximum Extent Feasible (existing facility)
  - TAS 106.5.66- Structural Impracticability (new)
  - TAS 106.5.68- Technically Infeasible (alteration)
  - TAS 202.5 Exception- Alterations to Qualified Historic Buildings and Facilities
  - TAS 232.2 Exception- General Holding Cells and General Housing Cells

**Such documentation may include, but is not limited to, floor plans, site plans, grading plans, copies of alternative standards/codes, and photograph(s).**