TEXAS DEPARTMENT OF LICENSING & REGULATION

P.O. Box 12157 • Austin, Texas 78711-2157
techinfo@tdlr.texas.gov • www.tdlr.texas.gov

AOBJ 7276

VARIANCE 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.

FORM MUST BE COMPLETED IN FULL
VARIANCE APPLICATION FEE: $175 (FEES ARE NON-REFUNDABLE)

1. RAS INFORMATION

Has this project been reviewed for compliance with TAS? ☐ Yes ☐ No	If yes, name of RAS who reviewed the project:	
Has this project been inspected for compliance with TAS? ☐ Yes ☐ No	If yes, name of RAS who inspected the project:	If yes, date of inspection:

2. PROJECT INFORMATION

Project Name:	TDLR Project #: (If already registered.)
Building or Facility Name:	
Address (Street Number, Street Name, Suite Number, City, State, Zip Code)	
Description: Indicate the type of project: ☐ New Construction ☐ Addition ☐ Alteration	Scope of Work: (Describe the construction activities)
Estimated Project Construction Cost:	Original date of construction of this building/facility:
Square Footage of Building:	Square Footage Per Floor:
Is this building a qualified historic building? ☐ Yes ☐ No ***If yes, a copy of the determination of effect letter from the Texas Historical Commission (THC) must accompany this application.***	
Is this building being considered for a state lease? ☐ Yes ☐ No	If yes, provide the state lease number:
Is a state agency currently located in this building? ☐ Yes ☐ No	
State the TAS section number(s) for which the variance is requested:	State the specific location of the violation within the building or site:
Explain in detail, why compliance with this TAS standard cannot be achieved: (attach additional sheets if necessary)	

3. PERSON MAKING THE SUBMISSION

Company/Firm:	Representative:
Address (Street Number, Street Name, Suite Number, City, State, Zip Code)	
Email:	Phone:

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 Owner Owner's Agent
(If you are not the owner, a completed Owner Agent Designation form must accompany this application).

This form may be electronically signed.

Signature:	Date:

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VARIANCE APPLICATION INSTRUCTIONS

UNLESS OTHERWISE INDICATED, ALL SECTIONS ARE REQUIRED AND MUST BE INCLUDED FOR THE VARIANCE APPLICATION TO BE PROCESSED. Failure to include all information will result in a delay of processing and the form will be returned to the project owner. Form must be complete in print or type.

A building owner, per Texas Government Code Sec. 469.058, is responsible for any violation of the Elimination of Architectural Barriers program laws or rules and may be subject to administrative penalties for any violation.

The completed variance application, supporting documentation, and a check or money order for the filing fee payable to the Texas Department of Licensing and Regulation must be sent together to P.O. Box 12157, Austin, TX 78711.

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. Each application 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.

1. RAS INFORMATION – Provide information about the Registered Accessibility Specialist (RAS) that has performed services.
   - PROJECT REVIEW – Check the box if the TAS plan review has been completed. If yes, provide the name and license number of the RAS that performed services.
   - PROJECT INSPECTION - Check the box if the TAS inspection has been completed. If yes, provide the name and license number of the RAS that performed services as well as the date of the inspection.
2. PROJECT INFORMATION – Provide information about the construction project.
   - PROJECT NAME – Enter the exact name of the project (example: CLASSROOM ADDITION).
   - TDLR PROJECT # – Provide the complete TDLR Project number assigned to the project. This form may not be submitted prior to registration of your project.
   - BUILDING OR FACILITY NAME – If this project is in a building or facility with a name, enter the name of the building (example: WASHINGTON HIGH SCHOOL).
   - PHYSICAL ADDRESS – Provide the physical address of the project, including the suite number (if available). If no physical address is available at the time of submission, provide the physical description of the project location. Post Office Boxes will not be accepted.
   - TYPE OF WORK – Check the box for the applicable type of work.
   - SCOPE OF WORK – Provide a detailed description of the construction activities including square footage.
   - ESTIMATED COST $ – Provide the estimated cost of construction. Cost should not include site acquisition, architectural, engineering, or consulting fees, furnishings, or equipment that is not part of the building mechanical systems.
   - ORIGINAL CONSTRUCTION DATE – Provide the date the building or facility was newly constructed (Month/year).
   - BUILDING SQUARE FOOTAGE – Provide the total gross square footage of the building for which the variance is being requested.
   - FLOOR SQUARE FOOTAGE – Provide the total gross square footage per floor for which the variance is being requested.
   - HISTORIC STATUS – Check the box if the building or facility is listed on the Texas State Historic Registry
   - STATE LEASE STATUS – Check the box if the building or facility is being considered for or is currently a state lease. If yes, provide the state lease number.
   - TAS REFERENCE – Provide the TAS reference number for which the variance is requested (for example: TAS 404.2.4, 202.4, etc.). A separate variance application is required for each non-compliant condition (TAS reference number)
   - VIOLATION LOCATION – Provide 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.).

VARIANCE APPLICATION INSTRUCTIONS cont'd

- DETAILS - 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.

3. PERSON MAKING THE SUBMISSION – Provide information about the person making the submission. The owner will receive all email and mailed correspondence from the Department regarding requests for additional information and results.
    - COMPANY/FIRM – Provide the full name of the company or firm submitting the variance application.
    - REPRESENTATIVE – Provide the full name of an individual or employee submitting the variance application.
    - ADDRESS – Provide the mailing address of the entity or individual submitting the variance application. A Post Office Box can be used.
    - EMAIL – Provide the email address of the individual or employee submitting the variance application.
    - PHONE – Provide the phone number of the individual or employee submitting the variance application.
    - INTENT TO APPLY – Provide information regarding relationship to building or facility ownership.
    - SIGNATURE – Acknowledgment of submission.

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. All required documents and fees must be sent to 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 registration fee is 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).

For additional information and questions, please visit the Texas Department of Licensing & Regulation website at Elimination of Architectural Barriers.

For assistance with this form, you may contact techinfo@tdlr.texas.gov. For other issues you can request assistance via TDLR webform. You may contact Customer Service Representatives at (800) 803- 9202 (in state only) or (512) 463-6599; Relay Texas-TDD: (800) 735-2989. Customer Service Representatives are available Monday through Friday from 7:00 a.m. until 6:00 p.m. Central Time (excluding holidays).

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