

1994 Texas Accessibility Standards

Technical Memorandum

Texas Department of Licensing and Regulation Architectural Barriers

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Accessible Buildings: New Construction, Vertical Access 4.1.3(5) Exception 1

It is no longer necessary to submit an Application for Variance when the criteria of this exception are satisfied.

Exception 1 may be applied to mezzanines, balconies, porches, galleries, verandas, basements, penthouses, and other areas meeting *all* the following criteria:

- the functions are insignificant to the buildings purpose; and,
- the area contains less than 2000 **gross** square feet of floor space; and,
- the area does not contain activities or functions involving the sale of goods or acquisition of services; and,
- the area does not contain educational or employment opportunities not available in accessible locations within the same building or facility.

The most difficult of these criteria to evaluate is what functions are insignificant to the buildings purpose. Generally, a small (less than 2000 gross S.F.) storage mezzanine or loft in an office environment or retail store, is insignificant to the function and Exception 1 could apply. However, the office of the manager in that same office or store, or in a supermarket, is not insignificant to the function. Therefore, it should not be located on an inaccessible level. Any design proposal to do so will only be considered by the department through the variance procedures contained in Rule 68.31.