

JUL 26 2021

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**REQUEST FOR AGENDA PLACEMENT FORM**

Submission Deadline - Tuesday, 12:00 PM before Court Dates

**SUBMITTED BY:** Jim Simpson

**TODAY'S DATE:** July 15, 2021

**DEPARTMENT:**

X Public Works

**SIGNATURE OF DEPARTMENT HEAD:**

X \_\_\_\_\_

**REQUESTED AGENDA DATE:**

X July 26, 2021

**SPECIFIC AGENDA WORDING:**

Authorization for Judge Harmon to execute Owner Agent Designation Whereby Judge Harmon is Designated as Johnson County's Designated Agent to Act on Behalf of Johnson County Pursuant to Texas Administrative Code Section 68.10 for the Burleson Sub-courthouse Renovation and Construction Project

Authorization for Judge Harmon to Execute a Variance Application to be Submitted to the Texas Department of Licensing and Regulation Seeking Authorization for Modifications to the Elevator Shaft in the Burleson Sub-courthouse

**PERSON(S) TO PRESENT ITEM:** Josh Green (Public Works)

**SUPPORT MATERIAL:** Owner Agent Designation,  
Texas Department of Licensing and Regulation Variance Application

**TIME:**

**ACTION ITEM:** 10 minutes

**WORKSHOP:** \_\_\_\_\_

(Anticipated number of minutes needed to discuss item)

**CONSENT:** \_\_\_\_\_

**EXECUTIVE:** \_\_\_\_\_

**STAFF NOTICE:**

**COUNTY ATTORNEY:** \_\_\_\_\_ X \_\_\_\_\_ **ISS DEPARTMENT:** \_\_\_\_\_

**AUDITOR:** \_\_\_\_\_ **PURCHASING DEPARTMENT:** \_\_\_\_\_ X \_\_\_\_\_

**PERSONNEL:** \_\_\_\_\_ **PUBLIC WORKS:** \_\_\_\_\_ X \_\_\_\_\_

**BUDGET COORDINATOR:** \_\_\_\_\_ **OTHER:** \_\_\_\_\_

\*\*\*\*\*This Section to be Completed by County Judge's Office\*\*\*\*\*

ASSIGNED AGENDA DATE: \_\_\_\_\_

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE \_\_\_\_\_

**COURT MEMBER APPROVAL** \_\_\_\_\_ **Date** \_\_\_\_\_

## Abby Martinez

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**From:** Jennifer Vanderlaan  
**Sent:** Friday, July 16, 2021 3:21 PM  
**To:** Paula G. Reid; Abby Martinez; Rachel Sitler  
**Cc:** David Disheroon; Josh Green  
**Subject:** Agenda Request Burleson Elevator  
**Attachments:** AB013N VARIANCE Burleson Sub-Courthouse Needs Signature.pdf; Owners Designated Agent AB043 Burleson Sub Court Needs Signature.pdf; Agenda Placement elevator burleson sub.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please find attached an agenda request for the following to be presented in court on July 26, 2021:

Authorization for Judge Harmon to execute Owner Agent Designation Whereby Judge Harmon is Designated as Johnson County's Designated Agent to Act on Behalf of Johnson County Pursuant to Texas Administrative Code Section 68.10 for the Burleson Sub-courthouse Renovation and Construction Project

Authorization for Judge Harmon to Execute a Variance Application to be Submitted to the Texas Department of Licensing and Regulation Seeking Authorization for Modifications to the Elevator Shaft in the Burleson Sub-courthouse

*Jennifer VanderLaan*

Office Manager  
Johnson County Public Works  
2 N Mill Street, Suite 305  
Cleburne, TX 76033  
817-556-6380



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

P.O. Box 12157 • Austin, Texas 78711 • (512) 539-5669 • (877) 278-0999 • FAX (512) 539-5690  
[techinfo@tdlr.texas.gov](mailto:techinfo@tdlr.texas.gov) • [www.tdlr.texas.gov](http://www.tdlr.texas.gov)

**OWNER AGENT DESIGNATION**

16 Texas Administrative Code §68.10(11) provides that a designated agent is an individual designated in writing by the owner to act on the owner's behalf. 16 Texas Administrative Code §68.10(18) provides that the owner is the person or entity that holds title to the subject building or facility.

FORM MUST BE COMPLETED IN FULL

PLEASE PRINT OR TYPE

PROJECT INFORMATION			
1. Project Name: Johnson County Sub-Courthouse Alterations and Addition		2. TDLR Project #: TABS 2021006461	
3. Building or Facility Name: Johnson County Sub-Courthouse			
4. Address: 247 Elk Drive	Suite #: ---	City: Burleson	Zip Code: 76028

OWNER'S DESIGNATED AGENT INFORMATION			
5. Name: Judge Roger Harmon		6. Company/Firm: Johnson County, TX	
7. Address: 2 North Main Street		City: Cleburne	State: TX Zip Code: 76033
8. Phone Number: (817) 556-6360	9. Fax Number: (817) 556-6359	10. Email: countyjudge@johnsoncountytexas.org	

BUILDING OR FACILITY OWNER (Person or Entity That Holds Title to Property)			
11. Name: Johnson County, Texas		12. Company/Firm: Johnson County, Texas	
13. Address: 2 North Main Street		City: Cleburne	State: TX Zip Code: 76033
14. Phone: Phone Number: (817) 556-6360	15. Fax Number: (817) 556-6359	16. Email: countyjudge@johnsoncountytexas.org	

DESIGNATION AND SIGNATURE	
If an owner chooses to designate an agent to act on the owner's behalf, per 16 Texas Administrative Code §68.10(11), the owner must do so <b>in writing</b> .	
I, <u>Johnson County, Texas</u> , designate <u>Judge Roger Harmon</u> as my agent and authorized <small>(Print Owners Name) (Print Designated Agents Name)</small>	
representative to act on my behalf, entrusted with all responsibilities of ensuring compliance with the provisions of the Texas Government Code, Chapter 469. I understand that despite this designation, I remain responsible for compliance with the Act per 16 Texas Administrative Code §68.10(18).	
_____ Owners Signature	_____ Date <i>7-26-21</i>



# TEXAS DEPARTMENT OF LICENSING & REGULATION

P.O. Box 12157 • Austin TX 78711-2157  
(512) 539-5669 • (877) 278-0999 • FAX (512) 539-5690  
techinfo@tdlr.texas.gov • www.tdlr.texas.gov

## 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

1. Has this project been reviewed for compliance with TAS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2. If yes, name of RAS who reviewed the project: Bonita L. Anderson	
3. Has this project been inspected for compliance with TAS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. If yes, name of RAS who inspected the project:	
5. If yes, date of inspection:		6. Project Name: Johnson County Sub-Courthouse Alterations and Addition	
7. TDLR Project #: (If registered.) TABS2021006461		8. Building/Facility Name: Johnson County Sub-Courthouse	
9. Address: 247 Elk Drive		Suite No.:	City: Burleson
Zip Code: 76028		10. Description: Indicate the type of project: <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration	
11. Scope of Work: (Describe the construction activities) Add Rear Vestibule, 2-stop elevator in existing opening, partial finishout 2nd floor, rearrangement to existing 1st floor		12. Estimated Project Construction Cost: \$1,928,643	
13. Original date of construction of this building/facility: 1985 (est)		14. Square Footage of Building: 22,290	
15. Square Footage Per Floor: 11,452 1st fl; 10,838 2nd fl		16. Is this building a qualified historic building? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
17. Is this building being considered for a state lease? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is a state agency currently located in this building? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, a copy of the determination of effect letter from the Texas Historical Commission (THC) must accompany this application.	
If yes, provide the state lease number:		18. State the TAS reference number for which the variance is requested: 106.5.68	
19. State the specific location of the violation within the building or site:		20. Explain in detail, why compliance with this TAS standard cannot be achieved: (attach additional sheets if necessary) The existing shaft opening and recessed concrete pit were constructed as part of the building when it was originally constructed. Upon doing shop drawings for the elevator it was discovered that the original floor slab opening on 2nd floor was constructed 1" too small in the North south direction and approximately 2" too short in the east/west direction. We were unable to verify as the shaft was completely enclosed as part of the original construction. In addition the pit had the same dimensional issues. The slab is post-tensioned concrete and altering it and the pit would wreak havoc on the occupants and possibly structural integrity of the 2nd floor slab. The 1st floor of the building is currently occupied.	
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 checked="" type="checkbox"/> Owner's Agent (If you are not the owner, a completed Owner Agent Designation form must accompany this application).			
22. Name: Judge Roger Harmon		23. Company/Firm: Johnson County	
24. Address: 2 North Main Street		City: Cleburne	State: TX
Zip Code: 76033		25. Phone Number: 817 556-6360	
26. Fax Number: 817 556-6359		27. Email: countyjudge@johnsoncountytexas.org	
28. Signature:		29. Date: 7-26-21	



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### VARIANCE APPLICATION INSTRUCTIONS

- 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. Agent. 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).**