

The Board of Adjustment held a special meeting on the 3rd day of March 2021, at 6:00 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas and via video meeting.

In accordance with order of the Office of the Governor issued March 31, 2020, and in accordance with subsequent orders issued by the Office of the Governor after that date, the Bartonville Board of Adjustment conducted a special meeting in person and by video conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19).

Present:

Kathy Daum, Chairperson
Donna Baumgarner
Del Knowler
Jim Lieber
Rick Lawrence, Alternate #1
Keith Crandall, Alternate #2

Not Present:

Helen Stewart

Also present: Sylvia Ordeman, Town Administrator, Ed Voss, Town Attorney (via video)

There constituting a quorum, the following business took place:

A. CALL TO ORDER

Chairperson Daum called the meeting to order at 6:05 p.m.

B. CLOSED/OPEN SESSION

The Board of Adjustment convened into a closed meeting at 6:05 p.m. pursuant to Texas Government Code Chapter 551, Section 551.071 and reconvened into open session at 6:53 p.m. to discuss matters relating to consultation with Town Attorney as follows:

- a. Consultation with Town Attorney regarding legal issues concerning the variances requested by Happy Huts LLC

No action taken.

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Chairperson Daum led the Pledge of Allegiance.

D. PUBLIC PARTICIPATION

There was none.

- E. APPROVAL OF MINUTES:** Discuss and consider approval of the December 2, 2020, meeting minutes.

Board Member Lieber moved to approve the December 2, 2020 meeting minutes. Board Member Knowler seconded the motion.

VOTE ON THE MOTION

AYES: Daum, Baumgarner, Knowler, Lieber, Lawrence
NAYS: None
VOTE: 5/0

F. PUBLIC HEARINGS

1. Public hearing to hear public comment and consider the request by Happy Huts LLC for a variance from the zoning district requirements for Rural Business District (RB), set forth in Chapter 14, Zoning Regulations, Exhibit A, Division II, Districts, Chapter 11, Rural Business District (RB), Section 11.2, Uses Permitted, Section 11.2.B, requiring accessory buildings incidental to the operation of the retail business to not exceed 400 square feet and to be constructed with a façade that differs from the primary structure. The variance sought is to allow to tear down the existing 400 square foot building, allow for a 4,980 square foot accessory building, and allow for the accessory building to be constructed out of metal.

Also, Happy Huts LLC requests a variance from the zoning district requirements for Rural Business District (RB), set forth in Chapter 14, Zoning Regulations, Exhibit A, Division II, Districts, Chapter 11, Rural Business District (RB), Section 11.3, Development and Performance Standards, Section C.4.b, requiring roofs to have a minimum slope of seven (7) feet of rise for every twelve (12) feet of run (7:12). The variance sought is to allow a roof pitch of 4:12 for an accessory building to match existing buildings nearby.

Also, Happy Huts LLC requests a variance from the zoning district requirements for Rural Business District (RB), set forth in Chapter 14, Zoning Regulations, Exhibit A, Division II, Districts, Chapter 11, Rural Business District (RB), Section 11.3, Development and Performance Standards, Section C.11.a, requiring compatibility buffers adjacent to residential uses. The variance sought is to allow the current landscape configuration.

Also, Happy Huts LLC requests a variance from the zoning district requirements for Rural Business District (RB), set forth in Chapter 14, Zoning Regulations, Exhibit A, Division II, Districts, Chapter 18, Landscaping Requirements, Section 18.6, Minimum Landscaping Requirements for Nonresidential Developments, Section I.1, requiring screening between residential and nonresidential uses. The variance sought is to allow the current landscape configuration.

Also, Happy Huts LLC requests a variance from the zoning district requirements for Rural Business District (RB), set forth in Chapter 14, Zoning Regulations, Exhibit A, Division II, Districts, Chapter 11, Rural Business District (RB), Section 11.3, Development and

Performance Standards, Section C.2, requiring for every sixty (60) feet of a building wall visible from a public street or a residentially zoned property, there shall be a change in the building footprint providing for a jog or offset measuring a minimum of five (5) feet. The variance sought is to allow a building with 83-foot-long walls that do not provide a jog.

Also, Happy Huts LLC requests a variance from the zoning district requirements for Rural Business District (RB), set forth in Chapter 14, Zoning Regulations, Exhibit A, Division II, Districts, Chapter 11, Rural Business District (RB), Section 11.3, Development and Performance Standards, Section C.5.1, requiring that light fixtures and light standards visible from a public street or public right-of-way shall be of an architectural design that is consistent with the architectural design of the primary structure and with the designs depicted in Appendix D. The variance sought is to allow outdoor security lights that will match the primary building.

The property is a 2.219-acre tract of land described as Block A, Lot 2R, Bartonville Town Hall Addition, Town of Bartonville, Texas, and is located at 1911 E. Jeter Road, Bartonville, Texas.

Town Staff gave a presentation on the variance requests.

The applicant, Rick Hopper with Happy Huts LLC, 1911 E. Jeter Rd, Bartonville, TX, gave a presentation on the variance requests and proposed use, stating the building would be used for storage.

Chairperson Daum opened the public hearing at 7:01 p.m.

No one spoke in favor.

Those who spoke in opposition:
Roy Cook, 270 Timber Oaks Ct, Bartonville, TX
Linda Cook, 270 Timber Oaks Ct, Bartonville, TX

The applicant provided a rebuttal.

Chairperson Daum closed the public hearing at 7:14 p.m.

Chairperson Daum stated that each variance will be addressed individually.

Board Member Knowler made a motion to not approve the requested variance to allow to tear down the existing 400 square foot building, allow for a 4,980 square foot accessory building, and allow for the accessory building to be constructed out of metal based the Town's Zoning Ordinance, Chapter 14, Appendix A, Section A.3.D, Criteria for Approval, specifically subsection 1.b: "the circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land" due to the lack of meeting landscape requirements and size of the accessory building; subsection 1.e "granting the variance petition will have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Ordinance, or adversely affect the rights of owners or residents of surrounding property"; and

subsection 1.1 “the degree of the variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section” due to the size of the accessory building. Board Member Lieber seconded the motion.

VOTE ON THE MOTION

AYES: Daum, Baumgarner, Knowler, Lieber, Lawrence
NAYS: None
VOTE: 5/0

The applicant withdrew the remaining variances.

F. ADJOURNMENT

There being no further business to come before the board, Chairperson Daum declared the meeting adjourned at 7:26 p.m.


APPROVED this the 2 day of June 2021.

Approved:



Kathy Daum, Chairperson

Attest:



Sylvia Ordeman, Town Administrator