

The Board of Adjustment held a special meeting on the 6<sup>th</sup> day of April, 2022 at 5:30 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas.

**Present:**

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

Also present: Cori Reaume, Interim Town Administrator; Tammy Dixon, Town Secretary; and Ed Voss, Town Attorney

There constituting a quorum, the following business took place:

**A. CALL TO ORDER**

Chair Daum called the meeting to order at 5:38 p.m.

**B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Chair Daum led the Pledge of Allegiance.

**C. PUBLIC PARTICIPATION**

There was none.

**D. APPROVAL OF MINUTES:**

1. Discuss and consider approval of the January 5, 2022 meeting minutes.
2. Discuss and consider approval of the March 2, 2022 meeting minutes.

Member Lawrence moved to approve the January 5, 2022 and March 2, 2022 meeting minutes.  
Member Lieber seconded the motion.

**VOTE ON THE MOTION**

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

**E. PUBLIC HEARINGS**

1. Denkmann Plaza Addition (Cloud 9)

Public hearing to hear public comment and consider the requests by the applicant, Cloud Nine Management LLC, for variances from the zoning district requirements set forth in Chapter 14, Zoning Regulations, Exhibit A, Division II, Districts, Chapter 12, Village Center District (VC), to include

A variance from section 12.3.C.2.c. requiring that no more than forty percent (40%) of the building façade along the ground floor and adjacent to a public street shall consist of display areas, windows, or doorways. A variance is requested to allow for forty six percent (46%) on the east elevation and 45% on the north elevation; and

A variance from section 12.3.C.2.a. requiring that all permanent structures shall be constructed with a minimum of ninety percent (90%) masonry material. The variance is requested to allow for seventy-two (72%) masonry material to allow for variation and contrast of materials and texture that compliments nearby businesses; and

A variance from section 12.3.C.8.a.2.a. prohibiting placement of trash receptacles from being placed between the primary structure and the street. Due to the layout and location of the site and building, the applicant requests allowance of the trash receptacle in the southeast corner of the lot.

The applicant has also requested a variance from the zoning district requirements set forth in Chapter 14, Zoning Regulations, Exhibit A, Division IV. Special Requirements, **Chapter 18, Landscape Requirements**, to include

A variance from Section 12.6.I.2 requiring a landscaped edge of a minimum width of five feet (5') and certain planting requirements. The variance is requested to allow for a 2.2' landscape buffer on the south property line; and a reduction from ten (10) canopy trees to five (5) canopy trees and six (6) ornamental trees.

The property is a 1-acre tract of land identified as Denkmann Plaza Addition, Block A, Lot 1R-4, generally located on the west side of FM 407, north of IT Neely and south of the Bartonville Town Center.

Interim Town Administrator, Cori Reaume explained that this was a replacement item for a previously submitted packet of variance requests, and that each variance should be acted on separately. Following comments received from neighboring property/business owners concerned with the height/third story in the applicant's original submission, the applicant revised the building plan to help gain support and reduce the number of requested variances.

Cara King, a representative of the applicant, Cloud 9 Management, provided a presentation of the proposed building and site, outlining each of the requested variances.

The public hearing was opened at 5:56 p.m.

Marty Bryan spoke in favor of the project. He indicated an appreciation for the applicant in being willing to make changes to their design, and complemented the building, including the reduction from the previous submission's masonry percentage.

The public hearing was closed at 6:00 p.m.

Member Lawrence moved to approve the requested variance to allow for 46% of the building façade along the ground floor that is adjacent to a public street on the east elevation of the building to consist of display areas, windows, or doorways, rather than comply with the requirement in the Town Zoning Ordinance Section 12.3.C.2.c that calls for a maximum of 40%, because Texas Government Code Section 3000.002 requires such approval as a matter of law because the International Building Code allows use of different amounts of exterior materials on building facades. Member Baumgarner seconded the motion.

**VOTE ON THE MOTION**

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

Member Lieber moved to approve the requested variance to allow for 45% of the building façade along the ground floor that is adjacent to a public street on the north elevation of the building to consist of display areas, windows, or doorways, rather than comply with the requirement in the Town Zoning Ordinance Section 12.3.C.2.c that calls for a maximum of 40%, because Texas Government Code Section 3000.002 requires such approval as a matter of law because the International Building Code allows use of different amounts of exterior materials on building facades. Member Knowler seconded the motion.

**VOTE ON THE MOTION**

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

Member Lieber moved to approve the requested variance to allow for construction of the building using 72% masonry material, rather than comply with the requirement in the Town Zoning Ordinance Section 12.3.C.2.a.1 that calls for a minimum of 90% masonry material, because Texas Government Code Section 3000.002 requires such approval as a matter of law because the International Building Code allows use of different amounts of exterior materials on building facades. Member Knowler seconded the motion.

**VOTE ON THE MOTION**

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

Member Lawrence moved to approve the requested variance to allow for a trash receptacle to be placed near the southeast corner of the lot, rather than comply with the limitation that trash receptacles shall not be placed between the primary structure and the street, and shall not be placed between the primary structure and the street, and shall not be located within a street yard, required by Town Zoning Ordinance Section 12.3.C.8.a.2.a, because granting the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area. Member Lieber seconded the motion.

**VOTE ON THE MOTION**

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

Member Baumgarner moved to approve the requested variance to allow for a 2.2-foot landscape buffer along the south property line to accommodate a 6-foot sidewalk along the south side of the building, rather than comply with the 5-foot landscape buffer required by Town Zoning Ordinance Section 18.6.I.2.a because granting the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area. Member Lieber seconded the motion.

**VOTE ON THE MOTION**

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

Member Baumgarner moved to approve the requested variance to allow for the planting of 5 canopy trees and 6 ornamental trees, rather than comply with the interior landscaping requirement of 10 canopy trees required by Town Zoning Ordinance Section 18.6.J.1.b, because granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area. Member Lieber seconded the motion.

**VOTE ON THE MOTION**

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

**F. ADJOURNMENT**

There being no further business to come before the board, Chair Daum declared the meeting adjourned at 6:01 p.m.

**APPROVED this the 14<sup>th</sup> day of September 2022.**

Approved:

  
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Kathy Daum, Chairperson

Attest:

  
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Thad Chambers, Town Administrator