

STATE OF TEXAS §
COUNTY OF DENTON §
TOWN OF BARTONVILLE §

A Special Called meeting of the Bartonville Board of Adjustment was held on Wednesday, Monday, October 25, 2010, at 6:00 p.m. in the Bartonville Town Hall. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law was hereby posted on Tuesday, October 19, 2010, at 3:00 p.m, at the Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:	Absent:
Stacy Ehlers	Steve Harris
Kathy Daum	
Alan Lavender	
Nona C. Dodson	
Norma Dodson (voting alternate)	
Jaye Morriss (non-voting alternate)	

Also present: Kristi Gilbert, Town Secretary
Julie Pandya, Town Attorney

Vice Chairperson Ehlers called the meeting to order at 6:00 p.m.

Call to Order

Board Member Daum moved to approve the March 29, 2010, minutes as presented. Alternate Board Member Harrington seconded the motion. For: Unanimous. Against: None. The motion carried 5 to 0.

ACTION: Approve Minutes

Board Member Daum moved to nominate Vice Chairperson Ehlers as Chairperson. Board Member Dodson seconded the motion. No additional nominations were made. For: Unanimous. Against: None. Abstained: Ehlers. The motion carried 4-0-1.

Election of Officers

Board Member Lavender moved to nominate Kathy Daum as Vice Chairperson. Board Member Dodson seconded the motion. No additional nominations were made. For: Unanimous. Against: None. Abstained: Daum. The motion carried 4-0-1.

The Board conducted a public hearing to hear public comment and consider a request for a variance from the minimum setback requirements for AG-Agricultural zoning districts set forth in Chapter 30, Exhibit "A", Section 4.2 Area Standards for Residential Lots to allow for the continued placement of an existing garage approximately 20 feet off of the northern property line, being less than the required 50 feet, for a called 26.733 acre tract of land described in the deed from Deanna K. Murphy to Ken N. Murphy under Document Number 2010-73299, of the Real

Public Hearing – Variance

Property Records, Denton County, Texas, otherwise known as 261 Hunter Ct. Said property is generally located at the end of the Hunter Road cul-de-sac.

Chairperson Ehlers opened the public hearing.

Open Hearing

Chairperson Ehlers administered the oath to Jerry Yensen, surveyor for the property.

Applicant

Mr. Yenson stated that the existing residence will be torn down and they seek to keep the garage within the existing setbacks.

Town Secretary Kristi Gilbert stated that the property owner will lose their legal, non-conforming use status when the existing residence is torn down. Ms. Gilbert stated that the property must be platted in order to obtain a building permit for a new residence. The required setbacks for the AG zoning district will result in the garage being located within the required setbacks.

Staff

Ms. Gilbert read into the record a letter provided by Keitha Warren, 259 Hunter Court, dated October 14, 2010 stating that she is the only property owner that bordered the property line where the variance had been requested. Ms. Warren's letter stated that the building was unobtrusive and practically obscured from her view. Ms. Warren's letter continued by stated that she had no objection to the variance and would hope that it be granted.

In Favor/Opposed

Chairperson Ehlers administered the oath to Rick Dodson, 742 Seals Road.

Mr. Dodson stated that he believes the garage should stay.

No one was signed in to speak in opposition of the variance request.

There was no rebuttal on behalf of the applicant.

Applicant Rebuttal

Chairperson Ehlers closed the public hearing to public comment.

Hearing Closed

Alternate Board Member Harrington inquired as to the proposed location of the house.

Reopen Public Hearing

Chairperson Ehlers reopened the hearing.

Chairperson Ehlers administered the oath to Milton Makowsky, representing the property owner Ken Murphy. Mr. Makowsky stated that the existing garage will be used to store toys such as four-wheelers and other entertainment vehicles. Mr. Makowsky

stated that the building was constructed of siding, a metal roof and a concrete foundation.

Chairperson Ehlers closed the public hearing

The Board reviewed the requirements set forth in Appendix A.3(D)(1) of the Town’s Zoning Regulations. With regard to subsection “a” there were no comments. With regard to subsection “b” the board referenced the letter from Mrs. Warren. With regard to subsection “c” there were no comments. With regard to subsection “d” the Board referenced the report provided by Ms. Gilbert and the letter from Mrs. Warren. With regard to subsection “e” the Board referenced the report provided by Ms. Gilbert and the letter from Mrs. Warren. With regard to subsection “f” there were no comments. With regard to subsection “g” the Board discussed that the structure was constructed by a previous property owner. With regard to subsection “h” there were no comments. With regard to subsection “i” there were no comments.

Chairperson Ehlers stated that the variance request met all of the requirements set forth Appendix A.3(D)(1) of the Town’s Zoning Regulations.

Alternate Board Member Harrington moved to approve the request for a variance as the Board as found that all of the requirements have been met. Vice Chairperson Daum seconded the motion. For: Unanimous. Against: None. The motion carried 5 to 0.

No action was taken.

The meeting adjourned at 6:25 p.m.

**Close Public
Hearing
Discussion**

ACTION:

Next Meeting

ADJOURNMENT

APPROVED this the 18th day of November, 2010.

Approved:

(Seal)

Chairperson

Attest:

Kristi Gilbert, Town Secretary, TRMC, CMC