



AGENDA

BOARD OF ADJUSTMENT SPECIAL MEETING

JANUARY 5, 2022

BARTONVILLE TOWN HALL

1941 E. JETER ROAD, BARTONVILLE, TX 76226

5:30 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

C. PUBLIC PARTICIPATION

If you wish to address the Board, please fill out a “Public Meeting Appearance Card” and present it to the Town Administrator, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Board for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Board during the Public Participation portion of the meeting or when the item is considered by the Board of Adjustment.

D. APPROVAL OF MINUTES:

1. Discuss and consider approval of the November 3, 2021, meeting minutes.

E. PUBLIC HEARINGS

1. *Variance – 330 Porter Road | Bartonville, TX*

[CLICK HERE](#) to submit comments regarding this Public Hearing item.

Public hearing to hear public comment and consider the requests by the applicants, Darin & Kathleen Foreman, owners of 330 Porter Rd., for a variance from the zoning requirements set forth in the Town’s Zoning Regulations, Exhibit A, Division IV, Special Requirements, Chapter 19, Accessory Buildings, requiring accessory structures to comply with the minimum building setbacks established for the zoning district in which they are located. The variance is sought to allow for the structure to be located twenty (20) feet from the rear property line rather than the required fifty (50) feet.

The property is a 3.31-acre tract of land commonly known as 330 Porter Rd. Bartonville, TX

- a. Staff presentation
- b. Applicant presentation
- c. Open Public Hearing
- d. Those in Favor
- e. Those Opposed
- f. Rebuttal
- g. Hearing Closed to Public Comment

F. ADJOURNMENT

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: December 30, 2021, at 5:00 p.m. at least 72 hours prior to the time of said meeting.

Cori Reaume, Interim Town Administrator

The Board of Adjustment reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

The Board of Adjustment held a special meeting on the 3rd day of November 2021, 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

Not Present: Helen Stewart

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 5:36 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: Discuss and consider approval of the October 6, 2021, meeting minutes.

Board Member Lieber moved to approve the October 6, 2021 meeting minutes. Board Member Knowler seconded the motion.

VOTE ON THE MOTION

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

E. PUBLIC HEARING

1. Continue public hearing to hear public comment and consider the requests by the applicant, First Church of the Nazarene – Lantana Community Church, 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 to be constructed with the same or similar building façade and material as the primary structure. The variance

sought is for two (2) manufactured accessory buildings for which the external materials (wood or wood-like siding material) are different from the primary structure.

The property is a 10.09-acre tract of land located on the north side of East Jeter Road, more commonly known as 2200 E. Jeter Road, Bartonville, Texas.

Ms. Reaume stated the Board approved a number of variances on October 6, 2021, however, this item was continued since the type of material in the notice was misnamed.

The applicant, Calvary Calendar, 2200 E. Jeter Road, answered questions from the Board regarding the age of the buildings.

No one spoke in favor or opposition.

Chair Daum closed the public hearing at 5:41 p.m.

Board Member Lieber made a motion to approve the requested variance to allow for two (2) manufactured accessory buildings for which the external materials (wood or wood-like siding material) are different from the primary structure. Board Member Lawrence seconded the motion.

VOTE ON THE MOTION

AYES: Daum, Knowler, Lieber, Baumgarner, Lawrence
NAYS: Baumgarner
VOTE: 5/0

F. ADJOURNMENT

There being no further business to come before the board, Chair Daum declared the meeting adjourned at 5:41 p.m.

APPROVED this the 5th day of January 2022.

Approved:

Kathy Daum, Chairperson

Attest:



**Board of Adjustment Public Hearing
Item No. 1**

DATE: January 5, 2022

FROM: Cori Reaume, Interim Town Administrator

ITEM: Public hearing to hear public comment and consider the requests by the applicants, Darin & Kathleen Foreman, owners of 330 Porter Rd., for a variance from the zoning requirements set forth in the Town's Zoning Regulations, Exhibit A, Division IV, Special Requirements, Chapter 19, Accessory Buildings, requiring accessory structures to comply with the minimum building setbacks established for the zoning district in which they are located. The variance is sought to allow for the structure to be located twenty (20) feet from the rear property line rather than the required fifty (50) feet. The property is a 3.31-acre tract of land commonly known as 330 Porter Rd. Bartonville, TX

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I. BACKGROUND INFORMATION

APPLICANT & PROPERTY OWNER: Darin and Kathleen Foreman

II. LOCATION:

Property: 1064 Roadrunner Road, Bartonville, TX

Zoning: "AG" Agricultural

Land Use: "RE-2" Residential 2 Acre Estates

III. SUMMARY:

A request has been received for a variance to allow for an accessory structure (barn) to be placed less than the required setback of 50'. The request is to place it 20 feet from the rear property line, which abuts the property at 324 Porter Rd. The property owner has included a letter outlining reasons for requesting the variance as part of the attached application.

Per Chapter 19, Accessory Building and Use Regulations, Section 19.4 (A)2 states "Accessory structures shall not be located within the minimum building setbacks established for the zoning district in which they are located;" The zoning district requires a setback of 50' for accessory structures intended to house livestock or poultry, which would be required for the proposed barn to house horses.

The property in question is also a key lot, which presents challenges in that the rear property line for 330 Porter Rd. (which faces south) is the side property line for 324 Porter (which faces east) (See exhibit below)



Though 330 Porter is currently zoned AG and is identified on the Land Use Plan to be RE-5 in the future, the adjacent property (324 Porter) is currently zoned as RE-5. While the setback required for RE-5 zoning is typically 50', the primary residence at 324 Porter is legally non-conforming with its southernmost exterior wall being located approximately 38-39' from the property line.

The proposed barn at 330 Porter would be located approximately 20' from the property line shared with 324 Porter Rd., and based on the proposed location identified in the application package, would place the northeastern corner of the barn 60' or less from the southwestern corner of the primary residence at 324 Porter Rd. At the closest point, it appears the proposed barn would be over 100' from the applicant's primary residence.

Additionally, the neighboring property (324 Porter) has an existing detached living quarters building identified through the Denton Central Appraisal District as being a 725 sq. ft. structure, which appears to be a similar distance from the main structure as the proposed barn on the 330 Porter side of the property line. Both properties also have other accessory structures on their respective properties.

The proposed structure is a 36' x 36' barn with a peak height of 17'3" and images are included in the application package to provide an example of the proposed elevation and aesthetic qualities.

When the Board considers whether to approve the requested variance, it is important to consider the application materials provided from the applicant, as well as the criteria for approval, which are outlined in the Town's Code of Ordinances, as well as additional state-level allowances for consideration of variance approvals (all included below):

Board of Adjustment Criteria for Approval

1. In deciding the variance petition, the Board of Adjustments shall apply the following criteria:
 - a. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Zoning Ordinance to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
 - b. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
 - c. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
 - d. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
 - e. Granting the variance petition will not 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;
 - f. Granting the variance petition is consistent with any special criteria applicable to varying particular standards;
 - g. The hardship or inequity suffered by petitioner is not self-induced;
 - h. The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship; and
 - i. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

Resulting from H.B. No. 1475 which took effect 09/01/2021, the Board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- (2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

(3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(5) the municipality considers the structure to be a nonconforming structure.

It is the responsibility of the Board of Adjustment to determine, upon review of the application package and variance request reasoning, whether the Board believes a variance should be granted.

In accordance with the Town's notice procedures, a public notice was run in the Denton Record Chronicle with the date and time of this public hearing, a sign indicating a proposed variance was placed on the subject property, and notices were mailed to all property owners within 200' of the property boundaries of the subject property (330 Porter Rd.)

ATTACHMENTS:

- Variance Application
- Supporting Materials
 - Letter from Applicants
 - Graphic identifying proposed location on site
 - Elevations and Dimensions
- Copy of Legal Notice

**TOWN OF BARTONVILLE
REQUEST FOR VARIANCE**

Zoning Regulations (Section: _____) Subdivision Regulations (Section: _____)
 Sign Regulations (Section: _____) Other: Set Back

Owner's Name: Darin + Kathy Foreman Phone: 408-710-1527 Fax: —

Mailing Address 330 Porter Rd

Legal Description: Lot X Block _____ Addition _____

Present Use and Improvements on Property: _____

Area is use as a pasture. Improvement is
adding a ~~new~~ accessory building to house horses during bad
weather.

Description of Variance or Special Exception Requested:

Requesting a reduction to the required set back
for an accessory building from 50' to 20'. We
have currently obtained written approval from neighbor
for 20' set back. SEE ATTACHED

Has a previous Application or Appeal to the Board been filed on the property?
 No Yes, Date: _____

Attach maps, designs, lists of property owner's names and addresses , and/or any additional materials as necessary or required by ordinance appeal procedures. Please included ten (10) copies of any information that is submitted.

I certify that I am the legal owner of record of the property, or that I have secured the property owner's permission as shown on the attached affidavit (as applicable), and that the information concerning this request for variance is true and correct and respectfully request it's consideration.

[Signature]
Signature

12/13/21
Date

Application complete? _____	Fee Paid: \$ _____	Date: _____
Date to appear before: P&Z _____	TC _____	BOA _____
Remarks: _____		

To whom it may concern,

We are in the planning process to build an accessory building that will be utilized to house our 2 horses during inclement weather. The need for this structure became very relevant last year after the 2 weeklong deep freeze that devastated the state. At the time we had a 4yr old mare and an 8-month-old filly with no enclosed shelter to house them during severe weather conditions. If it weren't for the good graces of a neighbor who offered us the use of his barn to house our horses till the weather cleared, we could have lost our filly.

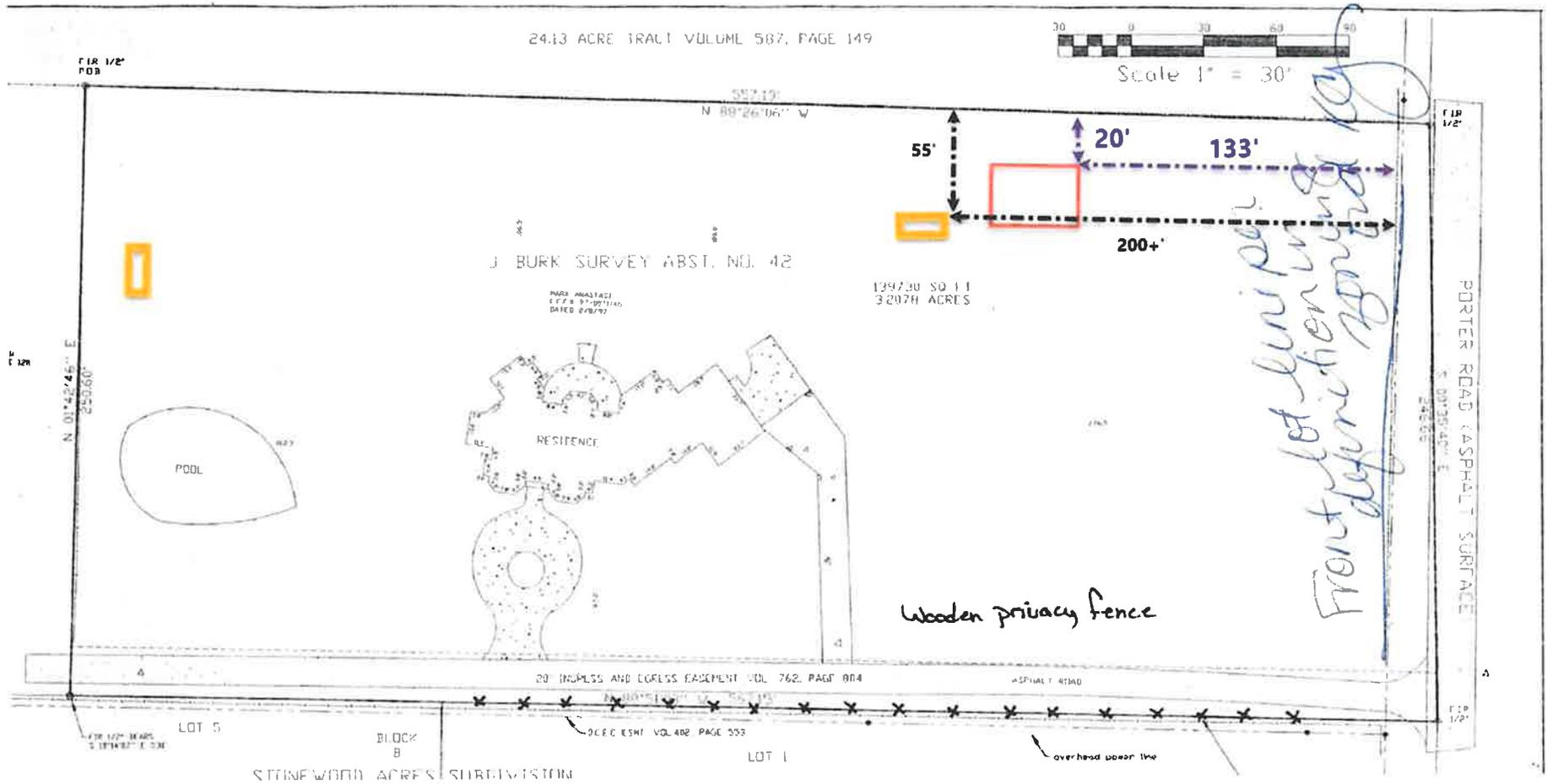
We spoke with our neighbor to the north to seek approval about our plans and location of the accessory building prior to embarking on this project. He responded with his approval for the location of the building with a 20' setback.

We are requesting a reduction in the setback allowance for an accessory building from 50' to 20'.

The building location was chosen with the following considerations:

1. To prevent removal of the existing mature oak trees that line the north property line with introduction of the building.
2. To place the accessory building facing the same direction as residential dwelling.
3. To utilize the current topography and natural drainage of the area from the east to west behind current residential dwelling feeding into existing pond.
4. To reduce hardship in excavating cost due to regrading of area to maintain adequate drainage away from residential dwelling and keep from replanting pasture.
5. To provide an enclosed structure for horses and feed.

**Kathy & Darin Foreman - 330 Porter Road
Stall Barn - 36'x10'x36' with Peak Height at 17'3"**



Kathy & Darin Foreman - 330 Porter Road
Stall Barn – 36’x10’x36’ with Peak Height at 17’3”

Natural Drainage marked in “Yellow”

Building set out of drainage Area



Kathy & Darin Foreman - 330 Porter Road
Stall Barn – 36'x10'x36' with Peak Height at 17'3"

Natural Drainage through Property (Yellow arrow flows)



**Kathy & Darin Foreman - 330 Porter Road
Stall Barn – 36'x10'x36' with Peak Height at 17'3"**

Barn Front facing Road with porch



From House View looking East



Kathy & Darin Foreman - 330 Porter Road
Stall Barn – 36'x10'x36' with Peak Height at 17'3"



DENTON RECORD-CHRONICLE
P.O. BOX 369
DENTON TX 76202
(940)566-6800

ORDER CONFIRMATION (CONTINUED)

Salesperson: Legals Denton

Printed at 12/15/21 15:14 by amcco-dm

Acct #: 232

Ad #: 41365

Status: New WHOLD WHOI

The Board of Adjustment for the Town of Bartonville, Texas, will conduct a public hearing at 5:30 p.m. on January 5, 2022, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas to hear public comment and consider the requests by the property owners of 330 Porter Rd. Bartonville, Texas:

A variance is requested from the zoning requirements set forth in Chapter 14, Zoning Regulations, Exhibit A, Division IV, Special Requirements, Chapter 19, Accessory Buildings, requiring accessory structures to comply with the minimum building setbacks established for the zoning district in which they are located. The applicant property is located in the Agricultural Zoning District (AG) which requires a fifty (50) foot setback from the property line for any structures used for housing livestock or poultry. Therefore, the minimum setback for the desired structure is fifty (50) feet, and a variance is sought to allow for an accessory structure to be located twenty (20) feet from the rear property line.

The property is a 3.31-acre tract of land described as A0042A J. Burke, TR 22, Old DCAD TR 4a, generally located at the northwest corner of Porter Rd. and Private Porter Rd. in Bartonville, Texas, more commonly known as 330 Porter Rd. Bartonville, Texas. All interested parties are encouraged to attend.

Drc 12/18/2021