



BOARD OF ADJUSTMENT COMMUNICATION

DATE: July 30, 2024

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7, relating to minimum side yard setbacks for residential lots. The property subject to the variance request is located at 1189 W. Jeter Road in Bartonville, Texas. The applicant is Jeff Cash. [Town File No. VAR-2024-007].

Applicant: Jeff Cash

Zoning: Residential Estates 2 (RE-2)

Requested Variance: To permit the conversion of an existing barn to residential use. The barn is located within the 20-foot interior side yard setback for the RE-2 zoning district.

Summary: The applicant has submitted a variance request (Exhibit 1) to permit the conversion of an existing barn to residential use. Prior to commencing the renovation, a variance must be granted permitting the retention of the existing building within the 20-foot interior side yard setback for the RE-2 zoning district. The existing barn structure, constructed in 1982 per Denton CAD, is located approximately 15 to 17 feet from the property line.

The subject property is approximately 3.570 acres in size. The converted structure, which upon approval of the variance would be renovated to be attached to the primary structure and not constitute a second residence, would otherwise remain subject to all other dimensional and use standards found in the BZO.

Criteria for Approval: 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.

If Approved: Approval of the variance request would permit the renovation of the existing barn structure in its current location into residential use, otherwise subject to all other setback and dimensional standards of the RE-2 zoning district.

If Denied: Denial of the variance request would mean that the renovation of the barn could not occur in its current location. The barn could continue to exist as a legal nonconforming structure. In order to convert the barn, a portion would have to be removed, or the structure relocated, such that it meets the 20-foot interior side yard setback.

Exhibits:

1. Variance Application VAR-2024-007
2. Location Map
3. Letter of Support
4. Notification Letter and Addresses
5. Publication Affidavit