



BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 30, 2025

FROM: Ryan Wells, Town Planner

AGENDA ITEM: Conduct a Public Hearing to hear public comment and consider a variance to Bartonville Development Ordinance Section 3.5, relating to flag lots, and Bartonville Zoning Ordinance Section 4.8, relating to residential development standards. The property subject to the variance request is located at 1288 Porter Road in Bartonville, Texas. The applicant is requesting a reduction of the public road frontage and authorization to construct a flag lot on one of seven proposed parcels. The applicant is Jeff Wawro. [Town File No. VAR-2025-003].

Applicant: Jeff Wawro

Zoning: Residential Estates – 2 Acre Lots (RE-2)

Requested Variance: To reduce the required public road frontage from 200 feet to 100 feet for a single parcel within a proposed seven-parcel residential subdivision, and authorization of the same parcel to be developed as a flag lot.

Summary: The applicant has submitted a variance request (Exhibit 1) prior to submittal of a preliminary plat to create a seven-parcel subdivision out of two existing tracts. The two variances requested are:

1. Authorization to construct Lot 4 as a flag lot, which is prohibited in Bartonville Development Ordinance (BDO) Section 3.5.
2. Reduction of the public road frontage width of Lot 4 from the 200-foot minimum for the RE-2 zoning district, as found in Bartonville Zoning Ordinance (BZO) Section 4.8, to approximately 109 feet.

The subject property is approximately 22 acres in size. The applicant desires to subdivide the property, currently configured as two tracts, into seven parcels; six of these parcels are intended for residential development and one to remain a gas well site. Other than the two regulations under consideration for the variances described above, all other applicable regulations from the BDO and the RE-2 zoning standards would apply.

Criteria for Approval: In deciding the variance petition, the Board of Adjustment 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 allow the creation of a seven-lot subdivision where one of the parcels would be flag lot with a street frontage of approximately 109 feet. The subdivision would otherwise be subject to all other dimensional standards of the BDO and the RE-2 zoning district.

If Denied: Denial of the variance request would mean that the subdivision would have to meet all requirements for the RE-2 zone without exception, which includes the prohibition of flag lots and a minimum road frontage of 200 feet. This would most likely necessitate a reduction in the number of parcels in the subdivision.

Exhibits:

1. Variance Application VAR-2025-003
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit