



BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 11, 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 single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003.]

Applicant: Bartonville South 1031, LLC

Zoning: Residential Estates 2 (RE-2)

Requested Variance: To reduce the front and side yard setbacks for the subject parcel by 10 feet, resulting in a 40-foot setback rather than 50 feet.

Summary: The applicant has submitted a variance request (Exhibit 1) to reduce their front and side yard setback for Lot 21 of the Eagle Ridge subdivision (address 1209 Pitner Court) to 40 feet, rather than the 50 feet as required in Bartonville Zoning Ordinance (BZO) Section 4.7. In the variance application, the requestor provides a figure illustrating the available buildable area within Lot 21 based on the current setback and property conditions. The special condition in this case is that a large majority of the parcel falls within a drainage easement, rendering much of the lot unbuildable. The remaining buildable area is very limited. A reduction in the setbacks would provide more area within which to construct a residence and associated infrastructure.

The subject property is approximately 2.005 acres in size. The lot 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 reduce the front and side yard setbacks from 50 feet to 40 feet.

If Denied: Denial of the variance request would mean that the front and side yard setbacks would remain at 50 feet.

Exhibits:

1. Variance Application VAR-2024-003
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit