



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 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004.]

Applicant: Jonathan King

Zoning: Residential Estates 2 (RE-2)

Requested Variance: To permit the construction of a single-family residence behind the existing accessory building (barn) on the property.

Summary: The applicant has submitted a variance request (Exhibit 1) to permit the construction of a new single-family residence behind an existing accessory building (barn), currently located on the property. Bartonville Zoning Ordinance (BZO) Section 19.4.A states that "Accessory Structures shall be prohibited between a primary structure and any public street in...RE-2 Districts...". Therefore, strict interpretation of this regulation would require the construction of a new single-family home, which serves as the primary structure on a residential property, in front of the existing barn structure. The barn is located approximately 124 ft south of the right-of-way line of Frenchtown Road. The front yard setback for the RE-2 zoning district is 50 feet. As the applicant wishes to keep the barn, which they state is historic (appx. 80 years old), the only options based on the accessory building regulation would be to locate the new home within the 75 foot area between the building setback line and the existing barn, or remove the barn to rid the property of the accessory building restriction.

This property was part of a larger agricultural lot, which was subdivided in 2023. As part of this subdivision, a variance was granted (VAR-2023-004) that permitted the barn structure to be located within one of the new parcels without a primary structure, which is contrary to the accessory building standards in the BZO.

The subject property is approximately 2.378 acres in size. The new 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 construction of a new single-family residence on the subject property within the area behind the existing accessory building (barn), subject to all other setback and dimensional standards from the RE-2 zoning district.

If Denied: Denial of the variance request would mean that the new residence could not be constructed behind the existing barn. The apparent options available to the property owner in this case would be to locate the new home within the 75 foot area between the building setback line and the existing barn (subject to building separation distance requirements), or remove the barn altogether to rid the property of the accessory building restriction.

Exhibits:

1. Variance Application VAR-2024-004
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit