



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 (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.6.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002.]

Applicant: Marty Bryan, BryFam Properties, LLC

Zoning: Village Center (VC)

Requested Variance: To permit certain accommodations within the approved design of an event center and chapel, primarily relating to the surface treatment of on-site parking, perimeter screening, and landscaping. The specific variances requested are:

1. Reduction in the required parking spaces to be constructed of concrete or asphalt from 99 to 77, with the remaining parking spaces being constructed of flex base (BZO Appendix F (Technical Design Standards) Section F.1.).
2. Reduction of the required landscape buffer adjacent to the Hudson Hills residential use from 25 feet to 15 feet (BZO Section 12.3.C.11).
3. Modification of the required screening wall adjacent to the Hudson Hills residential use from a solid masonry wall at least 6 feet in height, to a 6-foot-high stone column and ornamental fence, consistent with the perimeter screening fence at Marty B's (BZO Section 12.3.C.11. & 18.6.J.2.).
4. Allowance of a reduction of perimeter landscaping by 16 trees, offset by the street trees to be planted in the adjacent right-of-way (BZO Section 18.6.J.2.b.1 & 2).

Summary: The Reserve at Marty B's Site Plan was approved by the Bartonville Town Council on February 13, 2024. The Site Plan was for an event center and chapel on an approximately 14.722-acre site located on the south side of IT Neely Road, across from Marty B's. The Site Plan includes a 10,723 square-foot (sf) event center and a 3,199 sf chapel. The applicant intends to provide 223 parking spaces on a heavily-landscaped site.

During the approval process, the applicant identified a number of the design requirements found in the Bartonville Zoning Ordinance and specific to the Village Center zoning district for which he requested consideration of a variance. The reason for the variances (listed in the above section) are as follows:

1. Reduction in the required parking spaces to be constructed of concrete or asphalt from 99 to 77, with the remaining parking spaces being constructed of flex base (BZO Appendix F (Technical Design Standards) Section F.1.).

- a. The above-referenced section of the BZO requires 99 paved (concrete or asphalt) parking spaces for the site; the rest can be flex base or gravel. The applicant is requesting a reduction in the number of paved parking spaces to coincide with the parking located in front of the proposed buildings. In addition, the Marty B's site has a flex base surface for the parking, and this has been successful for the other site. During the Town Council meeting, the applicant also noted that flex base maintains infiltration qualities while still providing a durable driving surface.
2. Reduction of the required landscape buffer adjacent to the Hudson Hills residential use from 25 feet to 15 feet (BZO Section 12.3.C.11).
 - a. The above-referenced section of the BZO requires a landscape buffer along the concrete and gravel parking areas adjacent to Lot 5, Block D, Hudson Hills. Said landscape plan must meet the following standards:
 - i. A brick or masonry wall with stucco or mortar wash finish, both exterior finishes being the same, shall be constructed along the property line. Said wall shall be a minimum of six feet (6') in height, except that the first twenty-five feet (25') in from the street line may be stepped down to a minimum height of four feet (4').
 - ii. The landscaped setback shall consist of a minimum twenty-five foot (25') landscape buffer. Understory plants of species included in the approved plant list contained in Chapter 31 shall be provided in order to achieve a continuous dense six-foot (6') screen.
 - iii. Native shade trees, a minimum of three inches (3") in trunk diameter as measured four feet (4') above the ground and of a species included in Chapter 31 shall be provided at a ratio of one (1) tree per four hundred (400) square feet of buffer area. Native shade trees shall not be planted closer than thirty feet (30') on center.

The applicant is requesting a reduction in the landscaped buffer width from 25 to 15 feet. Maintaining the 25 foot buffer would reduce the number of parking spaces available for the event center and chapel use. The justification for this variance is that due to the presence of a water easement and undeveloped buffer on the Hudson Hills residential property located northwest of the site, there is at least 70 feet distance from the subject property to any available home site on the adjacent residential-zoned property.

3. Modification of the required screening wall adjacent to the Hudson Hills residential use from a solid masonry wall at least 6 feet in height, to a 6-foot-high stone column and ornamental fence, consistent with the perimeter screening fence at Marty B's (BZO Section 12.3.C.11. & 18.6.J.2.).
 - a. Referencing the same standards listed above from BZO Section 12.3.C.11, the applicant wishes to use the same perimeter fencing design that was installed at the Marty B's site on the opposite side of I. T. Neely Drive. The proposed fence is a 6-foot-high stone column and ornamental fence, rather than the required 6-foot-high solid (100% opaque) masonry screening wall. This is primarily for consistency and a uniform theme between the two sites.
4. Allowance of a reduction of perimeter landscaping by 16 trees, offset by the street trees to be planted in the adjacent right-of-way (BZO Section 18.6.J.2.b.1 & 2).
 - a. The above-referenced section of the BZO requires the following perimeter planting where a parking lot is located between a building and the public right-of-way:
 - i. One (1) overstory tree per fifty (50) lineal feet of frontage (totaling 7 trees);
 - ii. Three (3) understory trees per fifty (50) lineal feet of frontage (totaling 21 trees);

Due to the presence of a number of easements established in the Reserve at Marty B's plat, the presence of overhead utility lines, and the perimeter fencing requirements, meeting the perimeter landscaping requirement will be difficult. The applicant cites BZO Section 18.6.D., which allows the installation of street trees in the adjacent right-of-way to proportionately

offset the perimeter landscaping requirement. In this case, the applicant is requesting the reduction of 16 perimeter landscaping trees.

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.

Note that each variance request will require independent consideration and and independent vote. At the discretion of the Zoning Board of Adjustment (ZBA), all, none, or only select variances may be granted.

If Approved: Approval of the individual variance requests would allow the following adjustments to the approved Site Plan for the Reserve at Marty B's project site:

- 1. The on-site parking would consist of 77 paved parking spaces, with the balance being flex base, rather than 99 paved spaces.
- 2. The landscape buffer adjacent to the Hudson Hills residential development would be 15 feet; the proportionate landscaping within the buffer would still be met.
- 3. The perimeter fence along the Hudson Hills residential development would be constructed of masonry columns and decorative metal fencing, rather than a solid masonry wall.
- 4. The total perimeter landscaping adjacent to the parking lot and the public right-of-way would be reduced by 16 trees, to be offset by the planting of 16 street trees within the right-of-way.

If Denied: Denial of the individual variance requests would mean the following:

- 1. The applicant would be required to construct a minimum of 99 paved parking spaces for the site; the remainder would be flex base.

2. The landscape buffer adjacent to the Hudson Hills residential development would be 25 feet. This would result in readjustment or reduction in the on-site parking spaces for the site. The proportionate landscaping within the buffer would still be met.
3. The perimeter fence along the Hudson Hills residential development would consist of a solid masonry wall.
4. The total perimeter landscaping adjacent to the parking lot and the public right-of-way would have to include 7 overstory (canopy) trees and 21 understory trees. The trees would have to avoid conflicts with the footings of the perimeter fence and any easements or utility lines. The 16 street trees would still be required to be planted.

Exhibits:

1. Variance Application VAR-2024-002
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit