



BOARD OF ADJUSTMENT COMMUNICATION

DATE: December 30, 2024

FROM: Ryan Wells, Town Planner

AGENDA ITEM: Conduct a Public Hearing to hear public comment and consider a variance to regulations found in Bartonville Zoning Ordinance Section 19.4, relating to accessory building setbacks. The property subject to the variance request is located at 568 Wolf Run Road, Bartonville, Texas. The applicants are Steve and Leora Roepke. [Town File No. VAR-2024-008].

Applicant: Steve and Leora Roepke

Zoning: Residential Estates 2 (RE-2)

Requested Variance: To permit the construction of 2,400 sf accessory building within the 50-foot rear yard setback in the RE-2 zoning district.

Summary: The applicant has submitted a variance request (Exhibit 1) to permit the construction of a 2,400 square-foot accessory building on their residential property. Prior to constructing the building in the desired location, a variance must be granted, as the proposed location is within the 50-foot rear yard setback for the RE-2 zoning district.

The subject property is approximately 2.015 acres in size. The structure, which upon approval of the variance would be constructed in the proposed location within the 50-foot rear yard setback as shown in Exhibit 1, 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 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 permit the construction of a 2,400-sf accessory building approximately 25 feet from the rear property line of the subject property, 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 accessory building would have to meet all setback requirements for the R-2 zone without exception, which includes a 50-foot rear yard setback and a 20-foot interior side yard setback.

Exhibits:

1. Variance Application VAR-2024-008
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit