



# BOARD OF ADJUSTMENT COMMUNICATION

**DATE** September 20, 2023

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Public hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.E. The variance request is to permit the applicant to construct an accessory dwelling that exceeds the 1,000 square-foot maximum allowance. The property subject to the variance request is located at 1416 W Jeter Road in the Town of Bartonville, Denton County, Texas. The Town of Bartonville file number for this application is VAR-2023-003.

**Applicant:** Scott and Courtney Lenkart

**Zoning:** Agriculture (A)

**Requested Variance:** To permit the applicant to construct an accessory dwelling that exceeds the 1,000 square-foot maximum allowance, found in Bartonville Zoning Ordinance Section 19.3.E.

**Summary:** The applicant has submitted a variance request (Exhibit 1) to permit the construction of a detached accessory dwelling that contains 2,485 square feet. The accessory dwelling is attached to a four-car garage. The proposed new structure is intended to replace an original three-car garage that was previously demolished. The applicant states that they wish to construct the accessory dwelling to host out-of-town guests and family. They state that their current house is too small to accommodate guests and that there is limited space for expansion of the existing single-family dwelling due to its placement on the lot. The primary building (single-family residence) is 2,885 square feet.

Section 19.1 of the BZO states that "In a residential district, an accessory building is a subordinate or incidental building, detached from the main building, not used for commercial purposes and not rented." Bartonville Zoning Ordinance (BZO) Section 19.E states that "An accessory dwelling shall not exceed one thousand (1,000) square feet of floor area within a separate structure nor occupy in excess of one thousand (1,000) square feet of floor area of an accessory structure (i.e., barn, detached garage, etc.)." Other than the requested increase in allowed building area, the proposed accessory dwelling unit appears to meet all other BZO standards.

**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 applicant to construct an accessory dwelling unit attached to a detached four-stall garage. The total accessory dwelling unit area would be 2,485 square feet; this would be 1,485 square feet larger than the permitted maximum (a 149% increase in total accessory dwelling unit area above the maximum).

**If Denied:** Denial of the variance request would mean that the applicant would have to redesign their proposed accessory dwelling unit to be no more than 1,000 square feet in area. The Town would not issue a building permit for an accessory dwelling unit on the property greater than 1,000 square feet in size.

**Exhibits:**

1. Variance Application VAR-2023-003
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit