

THE TOWN OF BARTONVILLE BOARD OF ADJUSTMENT IN REGULAR SESSION ON THE 30TH DAY OF JULY 2024 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING MEMBERS PRESENT, CONSTITUTING A QUORUM:

Donna Baumgarner, Chair
Jim Lieber, Vice Chair
Kathy Daum, Director
Del Knowler, Director
Siobhan O'Brien, Director
Rebecca Jenkins, Alternate 1

Directors Absent:

Heather Head, Alternate 2

Town Staff Present:

Thad Chambers, Town Administrator
Shannon Montgomery, Town Secretary
Ed Voss, Town Attorney
Shari Borth, Permit Technician
Ryan Wells, Town Planning Consultant

A. CALL MEETING TO ORDER

Chair Baumgarner called the meeting to order at 6:01 pm.

B. PLEDGE OF ALLEGIANCE

Chair Baumgarner led the pledge.

C. PUBLIC PARTICIPATION

If you wish to address the Board, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Board for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Board during the Public Participation portion of the meeting or when the item is considered by the Board of Adjustment.

There was no Public Participation.

D. APPROVAL OF MINUTES

1. Discuss and consider approval of the April 11, 2024, Regular Meeting Minutes.

Motion made by Director Knowler seconded by Director O'Brien, to **APPROVE** the April 11, 2024, Regular Meeting Minutes as presented.

VOTE ON THE MOTION

AYES: Baumgarner, Daum, Knowler, Lieber, and O'Brien

NAYS: None

VOTE: 5-0

E. PUBLIC HEARINGS AND ACTION ITEMS

Director Daum recused herself from the meeting at 6:04 pm.

- 1. Public Hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Section 18.6, relating to minimum landscaping requirements for nonresidential developments. The property subject to the variance request is located at 64 McMakin Road in Bartonville, Texas. The applicants are Mark and Kathryn Taylor. [Town File No. VAR-2024-006].**

- A. Staff Presentation**
- B. Application Presentation**
- C. Open Public Hearing**
- D. Those in Favor**
- E. Those Opposed**
- F. Rebuttal**
- G. Close Public Hearing**
- H. Discussion and Action**

Town Planning Consultant Ryan Wells provided a summary of the requested variance and addressed questions from the Board.

Applicant Kathryn Taylor, Guidance Preparatory Academy, 64 McMakin Road, Bartonville, Texas 76226, explained the reason for the requested variance and addressed questions from the Board.

Chair Baumgarner opened the Public Hearing at 6:41 pm.

Town Secretary Montgomery stated the Town received public input prior to the meeting and read those statements into the Record:

- Brenda Hoyt-Stenovitch, 1501 E Jeter Road, Bartonville, Texas – **OPPOSED**
- James and Laura Pittman, 1237 Post Oak Court, Bartonville, Texas – **OPPOSED**
- Cathy Arnold, 1250 Post Oak Court, Bartonville, Texas – **OPPOSED**
- LaDonna Foringer, 1451 Post Oak Lane, Bartonville, Texas – **OPPOSED**
- Roy and Linda Cook, 270 Timber Oaks Court, Bartonville, Texas – **OPPOSED**
- Grace Brown, 191 Green Oaks Drive, Bartonville, Texas – **OPPOSED**
- Margaret Parks, 1480 Post Oak Lane, Bartonville, Texas – **OPPOSED**

The following individuals spoke to the Board of Adjustment:

- Terry Foringer, 1413 Post Oak Lane, Bartonville, Texas – **OPPOSED**

Chair Baumgarner closed the Public Hearing at 6:50 pm.

Applicant Kathryn Taylor answered questions that came out of the Public Hearing.

Chair Baumgarner convened the Board of Adjustment into Executive Session Pursuant to the Open Meetings Act, Chapter 551, in accordance with the Texas Government Code Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney concerning agenda item # E.1 at 6:53 pm.

Chair Baumgarner reconvened the Board of Adjustment into Open Session at 7:10 pm.

Motion made by Director Jenkins, seconded by Director O'Brien, to **DENY** the variance request allowing the planting of three 45-gallon, 12-foot high live oak trees at 20-foot spacing with the area between McMakin Road and the on-site septic tank, in lieu of replanting the Leland Cypress and Photinia as reflected in the original approved landscape plan, because the variance does not meet the requirement(s) under the factors in Zoning Ordinance Section A.3.D of Appendix A, Item(s):

- b. The circumstances causing the hardship do similarly affect all or most properties in the vicinity of the petitioner's land;
- h. The request for a variance is based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship.

VOTE ON THE MOTION

AYES: Baumgarner, Jenkins, Knowler, Lieber, and O'Brien

NAYS: None

VOTE: 5-0

Director Daum returned to the meeting at 7:13 pm.

- 2. Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7, relating to minimum side yard setbacks for residential lots. The property subject to the variance request is located at 1189 W. Jeter Road in Bartonville, Texas. The applicant is Jeff Cash. [Town File No. VAR-2024-007].**

- A. Staff Presentation**
- B. Applicant Presentation**
- C. Open Public Hearing**
- D. Those in Favor**
- E. Those Opposed**
- F. Rebuttal**
- G. Close Public Hearing**
- H. Discussion and Action**

Town Planning Consultant Ryan Wells provided a summary of the requested variance and addressed questions from the Board.

Applicant Jeff Cash, 1189 W. Jeter Road, Bartonville, Texas, explained the reason for the requested variance and addressed questions from the Board.

Chair Baumgarner opened the Public Hearing at 7:24 pm.

Town Secretary Montgomery stated the Town received public input prior to the meeting and read those statements into the Record:

- Abraham and Mary Jose, 1221 W Jeter Road, Bartonville, Texas – **IN FAVOR**
- Bob and Tracie Evans, 480 E Jeter Road and 1047, 1101, and 1157 W Jeter Road, Bartonville, Texas – **IN FAVOR**

Chair Baumgarner closed the Public Hearing at 7:26 pm.

Motion made by Director Lieber, seconded by Director Daum, to **APPROVE** the requested Variance to allow a reduction in the 20-foot interior side yard setback for the RE-2 zoning district to permit the renovation of the existing barn structure in its current location into residential use, otherwise subject to all other setback and dimensional standards of the RE-2 zoning district, because the variance meets the following requirement(s) under the factors in Zoning Ordinance Section A.3.D of Appendix A, Item(s):

- c. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

VOTE ON THE MOTION

AYES: Baumgarner, Daum, Knowler, Lieber, and O'Brien

NAYS: None

VOTE: 5-0

F. ADJOURNMENT

Chair Baumgarner declared the meeting adjourned at 7:29 pm.

APPROVED this the 30th day of December 2024.

APPROVED:

Dorinda Baumgarner

Dorinda Baumgarner, Chair

ATTEST:

Shannon Montgomery
Shannon Montgomery, TRMC, Town Secretary

