



AGENDA

BOARD OF ADJUSTMENT SPECIAL MEETING

August 5, 2020

BARTONVILLE TOWN HALL

6:00 P.M.

In accordance with order of the Office of the Governor issued March 31, 2020, and in accordance with subsequent orders issued by Office of the Governor issued after that date, the Bartonville Board of Adjustment will conduct a special meeting at Town Hall, 1941 E. Jeter Road, Bartonville, Texas 76226 AND by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The link to the video conference is www.townofbartonville.com/videomeeting *Please note there is an approximate 30 second delay.*

The public will be permitted to offer public comment via teleconference/video as provided by the agenda and as permitted by the presiding officer during the meeting by joining the meeting at www.zoom.com or by calling the toll-free dial-in number at 877 853 5257. The **meeting ID number is 845 3566 4042** and the **passcode is 145123**. To request to speak at the appropriate time, raise your hand via video or enter *9 on your phone. The identity of each speaker must be clearly stated prior to speaking.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

C. PUBLIC PARTICIPATION

D. APPROVAL OF MINUTES: Discuss and consider approval of the July 1, 2020, meeting minutes.

E. PUBLIC HEARINGS

1. Public hearing to hear public comment and consider a request for a variance from the minimum zoning districts rear setback requirements for RE-2, Residential Estates 2 acre minimum zoning districts set forth in Chapter 30, Zoning Regulations, Exhibit “A,” Chart 4.2 Area Standards for Residential Lots and Chart 4.4 Area Standards for Nonresidential Lots to allow for the construction and continued placement of a 130’ Monopole Tower with 9’ lightning rod with associated equipment within a 65’ x 65’ fenced and evergreen-screened compound approximately fifty (50) feet off of the rear property line, being less than the required setback for the additional height structure, being all of a tract of

land being described as Kincade Lot 2R, Block A, Town of Bartonville, Denton County, Texas. The property to be considered for the variance is generally described as a 10.09-acre tract of land located on the south side of East Jeter Road, more commonly known as 2200 E. Jeter Road, Bartonville, Texas.

The applicant has requested this item be postponed to the September 2, 2020, meeting.

F. ADJOURNMENT

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: July 31, 2020 at 2:15 p.m. at least 72 hours prior to the time of said meeting.



Sylvia Ordeman, Town Administrator

The Board of Adjustment reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

The Board of Adjustment held a special meeting on the 1st day of February 2020, at 6:30 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas and via video meeting.

In accordance with order of the Office of the Governor issued March 31, 2020, and in accordance with subsequent orders issued by the Office of the Governor after that date, the Bartonville Board of Adjustment conducted a special meeting in person and by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

Present:

Kathy Daum, Chairperson
Del Knowler
Donna Baumgarner
Jim Lieber
Helen Stewart, Alternate #1 (via video)

Not Present:

Rick Lawrence, Alternate #2

Note: Nona Dodson moved out of Bartonville therefore is no longer qualified to be on the Board

Also present Sylvia Ordeman, Town Administrator; Tammy Dixon, Town Secretary; and Ed Voss, Town Attorney (via video).

There constituting a quorum, the following business took place:

A. CALL TO ORDER

Chairperson Daum called the meeting to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Chairperson Daum led the Pledge of Allegiance.

C. PUBLIC PARTICIPATION

There was none.

D. APPROVAL OF MINUTES: Discuss and consider approval of the February 5, 2020, meeting minutes.

Board Member Jim Lieber moved to approve the February 5, 2020, meeting minutes.
Board Member Del Knowler seconded the motion.

VOTE ON THE MOTION

AYES: Knowler, Daum, Lieber, Baumgarner, Stewart
NAYS: None
VOTE: 5/0

E. PUBLIC HEARINGS

1. Public hearing to hear public comment and consider a request for a variance from the minimum zoning districts rear setback requirements for RE-2, Residential Estates 2 acre minimum zoning districts set forth in Chapter 30, Zoning Regulations, Exhibit “A,” Chart 4.2 Area Standards for Residential Lots to allow for the construction and continued placement of a garage approximately twenty-five (25) feet off of the rear property line, being less than the required fifty (50) feet, being all of a tract of land being described as Badminton Heights, Block B, Lot 3, Town of Bartonville, Denton County, Texas. The property to be considered for the variance is generally described as a 2.147-acre tract of land located on the west side of Badminton Road, more commonly known as 971 Badminton Drive, Bartonville, Texas.

Michael Wallace, applicant, presented his variance request.

Chairperson Daum open the Public Hearing at 6:37 p.m.

Those in Favor – None

Those Opposed – None

Chairperson Daum closed the Public Hearing at 6:38 p.m.

The Board discussed the application and asked questions of the applicant.

Board member Donna Baumgarner made a motion to approve a variance from the minimum zoning districts rear setback requirements for RE-2, Residential Estates 2 acre minimum zoning districts set forth in Chapter 30, Zoning Regulations, Exhibit “A,” Chart 4.2 Area Standards for Residential Lots to allow for the construction and continued placement of a garage approximately twenty-five (25) feet off of the rear property line, being less than the required fifty (50) feet, being all of a tract of land being described as Badminton Heights, Block B, Lot 3, Town of Bartonville, Denton County, Texas. Board member Helen Stewart seconded the motion.

VOTE ON THE MOTION

AYES: Baumgarner, Stewart
NAYS: Knowler, Daum, Lieber
VOTE: 2/0

MOTION FAILED

Board member Del Knowler made a motion to approve a variance from the minimum zoning districts rear setback requirements for RE-2, Residential Estates 2 acre minimum zoning districts set forth in Chapter 30, Zoning Regulations, Exhibit “A,” Chart 4.2 Area Standards for Residential Lots to allow for the construction and continued placement of a garage approximately thirty-five (35) feet off of the rear property line, being less than the required fifty (50) feet, being all of a tract of land being described as Badminton Heights, Block B, Lot 3, Town of Bartonville, Denton County, Texas. Board member Helen Stewart seconded the motion.

VOTE ON THE MOTION

AYES: Knowler, Daum, Lieber Baumgarner, Stewart

NAYS: None

VOTE: 5/0

- 2. Public hearing to hear public comment and consider a request for a variance from the zoning districts requirements for Chapter 4, Zoning Districts, Section 4.8 Residential Development Standards, Chart 4.3 AG Minimum Street Frontage of three hundred feet (300’) to allow a minimum street frontage of approximately fifty feet (50’); on a tract of land being described as Tract 19D in the M. Tucker Survey Abstract No. 1255, an unrecorded plat, Town of Bartonville, Denton County, Texas. The property to be considered for the variance is a 11.34-acre tract of land located on Seals Road in Bartonville, Texas.

Beverly Seals Balsh, applicant, presented the variance request.

Chairperson Daum open the Public Hearing at 7:08 p.m.

Those in Favor – None

Those Opposed (in Person):
Alan Brown, 600 Seals Road
Wayne Hoyt, 575 Seals Road

Those Opposed (via Zoom):
Ashley Kinser, legal counsel for Steve & Marilyn Addison via zoom
Steve Moore, 601 Seals Road
Jim Eichler, 613 Seals Road
Jim Coke, 660 Seals Road

Chairperson Daum read aloud a letter from Jim and Dara Warren expressing their opposition and stated another letter in opposition was received from Alan and Brenda Brown.

The applicant provided a rebuttal to the Board.

Chairperson Daum closed the Public Hearing at 7:26 p.m.

The Board convened into a closed meeting at 7:26 p.m. pursuant to Texas Government Code Chapter 551, Section 551.071 to discuss matters relating to consultation with the Town Attorney regarding this variance request and reconvened into open session at 7:34 p.m.

Board member Jim Lieber made a motion to postpone the decision on the variance request to Wednesday, September 2, 2020. Board member Helen Stewart seconded the motion.

VOTE ON THE MOTION

AYES: Knowler, Daum, Lieber, Baumgarner, Stewart
NAYS: None
VOTE: 5/0

F. ADJOURNMENT

There being no further business to come before the board, Chairperson Daum declared the meeting adjourned at 7:35 p.m.

APPROVED this the 5th day of August 2020.

Approved:

Kathy Daum, Chairperson

Attest:

Sylvia Ordeman, Town Administrator