



BOARD OF ADJUSTMENT COMMUNICATION

DATE: March 31, 2026

FROM: Marcy Ratcliff, Town Planning Consultant

AGENDA ITEM: Conduct a public hearing to consider variances to Chapter 5, Agricultural District (AG), Article 5.4.A Minimum Lot Size, Article 5.4.G.1 Any Buildings or Structures for Raising, Feeding, Housing or Sale of Livestock or Poultry Shall be Located Not Closer than 50' from the Property Line, Chapter 19, Accessory Buildings, Article 19.4.A.2 Accessory Building Setback on a portion of an approximately 16.32-acre property legally described as Lot 2 (S PT), Tucker Addition, Town of Bartonville, Denton County, Texas and currently addressed as 987 Gibbons Road, Bartonville, Texas 76226. The southern portion of Lot 2 (proposed to be addressed as 989 Gibbons Road) is generally located on the east side of Gibbons Road, at the northeast corner of Hidden Oaks Trail and south of Dove Creek Road. Denton County property ID 1085825. [Case # **VAR-2026-002**, 987 & 989 Gibbons Road]

Applicant: Mr. Marty Bryan

Zoning: Agricultural District (AG)

Requested Variances: The applicant is requesting three variances to proposed **Lot 2-R1 (southern portion of Lot 2 proposed address 989 Gibbons Road)**:

1. Reduce the minimum 10-acre lot size to approximately 8-acres lot for an approximate 2-acre variance (Section 5.4.A)
2. Reduce the minimum 50-foot building or structure setback (private fenced roping arena) that is for the raising, feeding, housing or sale of livestock or poultry to 25-feet for a 25-foot variance (Section 5.4.G.1)
3. Reduce the minimum 50-foot accessory building setback to 25-feet for a 25-foot variance (Section 19.4.A.2)

The applicant is requesting one variance to proposed **Lot 2-R2 (northern portion of Lot 2 addressed as 987 Gibbons Road)**

1. Reduce the minimum 10-acre lot size to an approximate 9-acre lot for a 1-acre variance

Summary: The applicant has submitted a Replat to officially subdivide the 16.321-acre Lot 2, Tucker Addition into two lots known as Lots 2-R1 and 2-R2 (see Exhibit 1 & 2). Additionally, the applicant has submitted a Site Plan (see Exhibit 3) for a Conditional Use Permit (CUP) request (Case # ZON-2026-002) to allow an Equestrian Center (private roping arena) only on proposed Lot 2-R1 and proposed to be addressed as 989 Gibbons Road.

Attached is the applicant's Letter of Intent (see Exhibit 4) summarizing the variance and zoning requests and description of their hardships. Currently, the Denton County Appraisal District Online Maps indicate the property was recently subdivided by metes and bounds without an official replat through the Town of Bartonville. The current replat application is to correctly subdivide the property. The AG District requires a minimum 10-acres. The existing two lots are owned by two different owners. As a result, the minimum 10-acre lot size cannot be achieved for either lot.

The Site Plan for an equestrian center shows a private fenced roping arena in the northwest corner of proposed Lot 2-R1 with an accessory barn located behind it, and along the northern property line. The AG District side yard setback for the private roping arena and the accessory barn is 50-feet from the northern property line. The proposed setback only along the northern property line is 25-feet. A retaining wall will be required to build up the land area for the proposed uses. The future house, which will front on Hidden Oak Trail, will be located in an open area exclusive of the trees in an effort to preserve more trees.

Informational note: the applicant is required to comply with the Tree Preservation section of the Code of Ordinances which includes tree removal permit, replacement trees, and tree protection measures during construction. <https://ecode360.com/39540752>.

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 for lot size would allow the proposed Replat to have two lots less than the minimum 10-acres. Approval of the side yard setback only on the northern property line would permit the applicant to construct an Equestrian Center fence line(private roping arena) and a new accessory barn structure with a 25-foot side yard setback on the northern property line only.

If Denied: Denial of the variance request would mean that the replat request would not meet the Zoning Ordinance requirements and would have to be denied. Additionally, if variances for the side yard setback along the northern property line as shown on the CUP site plan were denied, the applicant would need to reconfigure the lot layout and the development would encroach into the mature tree area and could affect the alignment of the existing small creek in order to meet the minimum 50-foot setback.

Public Hearing Notices: Notice of the Public Hearing was published in the Denton Record Chronicle and notices mailed to property owners within 200-feet of the request. At the time of staff report and agenda packet preparation no responses in favor or in opposition have been received.

Concurring Vote Required: Texas Local Government Code, Sec. 211.009. Authority of the Board requires a 75 percent (four out of five of the members) concurring vote in favor of the request to approve a variance request.

Exhibits:

1. Location Map
2. Tucker Addition Lots 2-R1 and 2-R2
3. Proposed Site Plan for CUP Equestrian Center
4. Letter of Intent
5. Notification Letter and Addresses
6. Publication Affidavit