



BOARD OF ADJUSTMENT COMMUNICATION

DATE: December 2, 2025

FROM: Helen-Eve Beadle, AICP; Town Planning Consultant

AGENDA ITEM: Conduct a Public Hearing to consider a variance request to reduce the rear yard setback from 50 feet to 20 feet on an approximate 1.0-acre property legally described as Tract 4 of the Virginia Morrison Subdivision, out of the A.M. Feltus Survey, Abstract No. 1594, Town of Bartonville, Denton County, Texas, and addressed as 630 E Jeter Road, Bartonville, Texas 76226. The property is generally located south and west of East Jeter Road and east of Gibbons Road. Denton County property ID 65096. **[630 E Jeter Road, VAR-2025-005]**

Applicant: Clayton J. Sams Jr.

Zoning: Agricultural District (AG)

Requested Variance: The applicant has submitted a variance application to reduce the rear yard setback from 50 feet to 20 feet (Code of Ordinances, Sections 4.7 and 19.4.A.2).

Summary: The applicant has submitted a variance request (Exhibit 1) to modify the rear-yard setback for the property from the regulatory 50 feet to the proposed 20 feet. The hardship presented is the desire to preserve eight (8) mature oak trees within the rear-yard setback. The existing trees to be preserved are illustrated in Exhibit 4. Any setbacks which apply to the main structure are applicable to any accessory structures on the property as well. The applicant intends to remove any existing dilapidated structures in order to erect a new dwelling structure as well as an accessory garage structure. The proposed new dwelling structure would comply with the regulatory rear yard and side yard setbacks, however the proposed garage structure would require the requested variance. (Exhibit 3)

With the proposed lot configuration in the presented plot plan (Exhibit 3), the result will create one condition that violates current regulations of the Zoning Ordinance. The lot would contain a proposed new residential structure, which would comply with the 50 foot regulatory rear yard setback and side yard setback (less or 10% of lot width or 50 feet), as determined by the property's Agricultural District (AG) zoning designation. The proposed lot would also contain an accessory structure, which would fall between the regulatory 50 foot rear yard setback and the proposed 20-foot rear-yard setback.

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 would permit the applicant to construct a new accessory garage structure with a 20 foot rear yard setback.

If Denied: Denial of the variance request would mean that the applicant would need to reconfigure the lot layout in the plot plan to locate the accessory garage structure to meet the 50 foot rear yard setback.

Public Hearing Notices: Notice of the Public Hearing was published in the Denton Record Chronicle in the Fort Worth Star Telegram 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. Variance Application VAR-2025-005
2. Location Map
3. Proposed Plot Plan
4. Photos of Existing Trees to be Preserved
5. Notification Letter and Addresses
6. Virginia Morrison Subdivision Filed Plat
7. Publication Affidavit