

THE TOWN OF BARTONVILLE BOARD OF ADJUSTMENT MET IN REGULAR SESSION ON THE 31ST DAY OF MARCH 2026 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING DIRECTORS PRESENT, CONSTITUTING A QUORUM:

Kathy Daum, Chair
Donna Baumgarner, Director
Jim Lieber, Director
Siobhan O'Brien, Vice Chair
Heather Head, Alternate 1
Barbara Nunnelley, Alternate 2

Directors Absent:

Del Knowler, Director

Town Staff Present:

Kirk Riggs, Town Administrator
Jeremy Page, Town Attorney
Shannon Montgomery, Town Secretary
Marcy Ratcliff, Town Planner

A. CALL MEETING TO ORDER

Chair Daum called the meeting to order at 6:00 pm.

B. PLEDGE OF ALLEGIANCE

Chair Daum led the pledge.

Town Administrator Riggs introduced new Town Attorney Jeremy Page and Town Planner Marcy Ratcliff.

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.

Chair Daum stated, pursuant to the Open Meetings Act, Chapter 551, the Board of Adjustment will convene in a Closed Executive Session in accordance with the Texas Government Code Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney concerning agenda items E.1 and E.2 and convened the Board of Adjustment into Closed Session at 6:05 pm.

Chair Daum reconvened into Regular Session at 6:36 pm.

D. APPROVAL OF MINUTES**1. Discuss and consider the approval of the December 2, 2025, Board of Adjustment Meeting Minutes.**

Motion made by Director O'Brien, seconded by Director Lieber, to **APPROVE** the December 2, 2025, Meeting Minutes as presented.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5-0

E. PUBLIC HEARINGS AND ACTION ITEMS

1. Conduct a public hearing to consider a variance to Chapter 4 Zoning Districts, Article 4.8 Residential Development Standards, Chart 4.3 Minimum Lot Width in the Agricultural District (AG) on a proposed Lot 3R containing approximately 14.18-acres being a part of an approximately 39.13-acre property and an approximately 105.82-acre property legally described as Lots 1 and 2, Block A, Robert Evans Ranch Addition, Town of Bartonville, Denton County, Texas, and addressed respectively as 1101 and 1047 West Jeter Road, Bartonville, Texas 76226. The properties are generally located on the south side of West Jeter Road and south Glenview Lane. Denton County property ID's 964409 and 964410. [Case # VAR-2026-001, 1101 & 1047 West Jeter Road]

Chair Daum opened the Public Hearing at 6:49 pm.

The following spoke:

- Patrick Rodes, 785 W Jeter Road, Bartonville, Texas – IN SUPPORT

Chair Daum closed the Public Hearing at 6:50 pm after recognizing there was no one else wishing to speak.

Motion made by Director O'Brien, seconded by Director Baumgarner, to **APPROVE** the requested variance to allow the reduction of the lot width for the proposed Lot 3 from 250-feet to 100-feet for the flagpole portion of the lot, not applicable to future replats, and because the variance meets the following requirements:

- 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; and
- 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;

Under the factors in Zoning Ordinance, Section A.3.D of Appendix A. The proposed reduction in the minimum lot width allows a proposed Lot 3, a Flag Lot, with an extreme lot depth of

approximately 2,376 feet, to maintain the scenic view of Lot 1R to Lot 3 and to preserve mature trees.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5-0

2. **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]**

Chair Daum opened the Public Hearing at 7:10 pm.

The following spoke:

- Odis Fuller, 900 S Gibbons, Bartonville, Texas – IN SUPPORT
- Sherri Peck, 150 Hidden Oaks Trail, Bartonville, Texas – IN SUPPORT
- Richard Yerxa, 987 S Gibbons, Bartonville, Texas – IN SUPPORT
- Cherry Fuller, 1000 S Gibbons, Bartonville, Texas – IN SUPPORT
- Monique Nawaby, 189 Hidden Oaks Trail, Bartonville, Texas – IN SUPPORT
- Ardavan Nawaby, 189 Hidden Oaks Trail, Bartonville, Texas – IN SUPPORT

Chair Daum closed the Public Hearing at 7:18 pm after recognizing there was no one else wishing to speak.

Motion made by Director Head, seconded by Director O'Brien, to **APPROVE** the requested variance to allow the reduction of the minimum lot size from 10-acres for the proposed Lot 2-R1 from 10-acres to 8-acres and proposed Lot 2-R2 from 10-acres to 8.321-acres, and because the variance meets the following requirement(s):

- D. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- 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;
- 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;

under the factors in Zoning Ordinance, Section 5.4.A. of Appendix A. The proposed reduction in the minimum lot size allows two equal lot sizes and neither property owner is able to procure more land area without creating a need for other variances on other properties.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5-0

Motion made by Director Lieber, seconded by Director Head, to **APPROVE** the requested variance to allow the reduction of the minimum side yard setback for a Equestrian Center fence line only on the northern property line from the minimum 50-feet to 25-feet, and because the variance meets the following requirement(s):

- 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.

under the factors in Zoning Ordinance, Section 5.4.G.1 of Appendix A. If the proposed fence location met the minimum setback, the reconfiguration would affect the number of mature trees needed to be removed and would increase and affect topography and the creek bed alignment also increasing the number of mature trees needed to be removed.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5-0

Motion made by Director O'Brien, seconded by Director Lieber, to **APPROVE** the requested variance to allow the reduction of the minimum accessory building setback for the barn only from 50-feet to 25-feet, and because the variance meets the following requirement(s):

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

under the factors in Zoning Ordinance, Section 19.4.A.2. If the proposed accessory barn structure met the minimum setback the reconfiguration of the layout would affect the number of mature trees needed to be removed and would affect the topography and the creek bed alignment also increasing the number of mature trees needed to be removed.

VOTE ON THE MOTION

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

NAYS: None

VOTE: 5-0

F. ADJOURNMENT

Chair Daum declared the meeting adjourned at 7:23 pm.

APPROVED this the 6th day of August 2026.

APPROVED:

Kathy Daum,
Chair

ATTEST:

Shannon Montgomery, TRMC
Town Secretary