



# BOARD OF ADJUSTMENT COMMUNICATION

**DATE:** March 31, 2026

**FROM:** Marcy Ratcliff; Town Planning Consultant

**AGENDA ITEM:** 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]

**Applicant:** Robert & Tracie Evans

**Zoning:** Agricultural District (AG)

**Requested Variance:** The applicant has submitted a variance application to reduce the minimum lot width from 250-feet to 100-feet for a portion of proposed Lot 3, which is a 150-foot variance. (Code of Ordinances, Appendix A, Sections 4.8 and Chart 4.3).

**Summary:** The applicant has submitted a variance request to modify the minimum lot width for a proposed Lot 3 containing approximately 14.18 acres (see Exhibit 2). The Zoning Ordinance in *Chapter 4.8 Residential Development Standards, Chart 4.3 states the minimum lot width is 250-feet in an Agricultural District*. The proposed Lot 3 will be a replat request for the Planning and Zoning Commission and Town Council to consider if the variance is approved.

The proposed Lot 3 is comprised from a portion of existing Lot 1 (39.13-acres) and existing Lot 2 (105.82-acres). The proposed Lot 3 does not have the typical appearance of a lot due to the configuration, size and depth of all three lots (see Exhibit 2 Replat of Evans Ranch Addition). The proposed Lot 3 is considered a *Flag Lot* and is prohibited according to the Development Ordinance. The Zoning Ordinance does not define a *Flag Lot*, but does include *Illustration 13 Types of Lots* (see Exhibit 3) and *Illustration 14 Lot Width, Area, & Depth, Yards* (see Exhibit 4). The Zoning Ordinance's requirement of a minimum lot width is designed to prohibit a *Flag Lot*. The applicant is also requesting a waiver to the no *Flag Lot* requirement of the Development Ordinance. The Planning and Zoning Commission and Town Council will consider the waiver request if the variance is approved. The Planning and Zoning Commission will consider and make a recommendation to the waiver request on Wednesday, April 1, 2026 at 6:30 PM., the Town Council will consider the waiver request on Tuesday, April 21, 2026 at 6:30 PM.

Proposed Lot 3 looks like a Flag Lot according to Illustration 13 (see Exhibit 3) and does not appear like a typical lot in Illustration 14 (see Exhibit 4). The proposed Lot 3 is 300-feet wide at West Jeter Road, which will meet the regulatory 300-foot minimum Street Frontage requirement. The applicant attempted to meet the spirit of the Zoning Ordinance's minimum 250-foot lot width requirement which is measured at the 75-foot front yard setback, but then the lot width decreases to a width of approximately 100-feet and

then widens back to wider than 250-feet. The flag pole portion of the lot has an approximate distance of 2,106-feet, which is equivalent to approximately 0.40 of a statute mile or approximately 702-yards or 5.85 football field lengths.

For your convenience below are the definitions of *Lot Width* and *Flag Lot*

*Zoning Ordinance Lot Width:* The horizontal distance measured between side lot lines parallel to the front lot line, measured from the point of the building line which is closes to the front lot line.

*Development Ordinance Flag Lot:* means a residential lot having less than the required street frontage and the buildable area or front building line is located behind an adjacent lot fronting the same street with access to said buildable area being provided by the strip of land having less than the required street frontage.

The proposed replat will have three lots which will share a gated entrance thru access easements. The entirety of the property has a wildlife management designation by the Denton County Appraisal District, which is a special open-space land valuation allowing landowners to maintain agricultural tax appraisals while actively managing the land for native wildlife rather than traditional farming or ranching.

The topography of the property is rolling hills with a creek along the far western side proposed Lot 1R and Lot 2R. Lot 1R is developed with the main house and is closer to highest elevation on the property. Lot 2R, located on elevations lower than the main house, is developed with existing barns and stables and has more open area. Town Council granted the original Lot 2 a waiver to the no *Flag Lot* provision in October 2020. Lot 3 is proposed to be located in the middle rear portion of Lot 2R, for development of a single family residence. Lot 2R and Lot 3 will share a gravel drive heading to the rear of the property. Lot 3 will be downhill of Lot 1R.

The hardship presented for the location of a new Lot 3 "*Flag Lot*" is to specifically maintain unimpeded views from the main house and horse pasture on Lot 1R (see Exhibit 5), along with no other visible structures. The proposed home on Lot 3 will be screened from Lot 1R and Lot 2R by an existing large stand of mature trees. The other hardship factor to consider is the overall physical size and depth of the lot. Bartonville has many large lots, but a good many lots do not have an overall approximate depth of 0.45 of a statute mile (2,376-feet) or like proposed Lot 2R which will have a lot depth of over 0.50 of a statute mile. The configuration was an effort to meet the spirit of the Zoning Ordinance, by meeting the 300-foot minimum street frontage requirement and the minimum lot width at the building line.

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>.

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**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 replat the Robert Evans Ranch Addition with Lot 3 having a reduced lot width on a portion of the lot having a lot width of 100-feet, creating a *Flag Lot*.

**If Denied:** Denial of the variance request would mean that the applicant would need to either withdraw the replat and resubmit a new lot reconfiguration at a future date meeting the ordinance requirements, or withdraw the replat completely and not resubmit.

**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 Maps (2)
2. Proposed Replat of Robert Evans Addition
3. Illustration 13 Lot Types
4. Illustration 14 Lot Width
5. Applicants Option A Illustration
6. Pictures of the Gate Entrance
7. Notification Addresses
8. Publication Affidavit