



PLANNING & ZONING COMMISSION COMMUNICATION

DATE: April 1, 2026

FROM: Marcy Ratcliff, Town Planning Consultant

AGENDA ITEM: Hold Public Hearing, consider and make recommendation regarding a request for a waiver from Chapter 10, Subdivision Regulations, Exhibit A, Development Ordinance, Part III, Subdivision Design Standards, Section 3.5, Lots, Subsection b, to allow for the creation of a flag lot on an irregularly shaped tract of land . The property is a 105.82-acre tract of land being described as Lot 2, Block A, Robert Evans Ranch Addition, Town of Bartonville, Denton County, Texas located on the south side of West Jeter Road. The property is generally located at 1047 W. Jeter Road [Case # **DOW-2026-001**]

APPLICANT: Robert and Tracie Evans

LAND USE AND ZONING: RE-5 and Agricultural District (AG)

REQUESTED WAIVER TO DEVELOPMENT ORDINANCE: The applicant has submitted a waiver request to Code of Ordinances, Exhibit 10A Development Ordinance, Chapter 3.5.b., No *Flag Lots* shall be created under this design standard adopted by this Ordinance.

REQUESTED VARIANCE TO ZONING ORDINANCE: The applicant has submitted a variance application, to the Board of Adjustment (BOA), 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).The Board of Adjustment is scheduled to review the request at the March 31, 2026 meeting. Staff will provide the BOA's vote at the meeting. If the Variance Request VAR-2026-001 is denied the waiver request should be denied.

SUMMARY: The applicant has submitted a Minor Replat of the Robert Evans Ranch Addition, Lots 1R, 2R and Lot 3. 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 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 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 closest 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 of 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 acreage of the replat of Lot 2R will go from 105.82-acres to 96.23-acres. Lot 3 is proposed to contain 14.18-acres. 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.

Criteria for Waiver Approval: In deciding the waiver petition, the Planning and Zoning Commission and Town Council shall apply the following criteria of Development Ordinance, Section 1.11 Waivers/Suspensions.

- a. General. The Town Council finds that unreasonable hardships or difficulties may result from strict compliance with a certain provision(s) of the Development Ordinance, and/or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver/suspension from portions of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Town Council shall not approve a waiver/suspension unless it shall make findings based upon the evidence presented to it in each specific case that:
 1. Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property;
 2. The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;

3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
4. The waiver/suspension will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, and other adopted plans, except that those documents may be amended in the manner prescribed by law;
5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

If Approved: Approval of the waiver request would permit the applicant to replat the Robert Evans Ranch Addition with Lot 3 being a *Flag Lot*.

If Denied: Denial of the waiver 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: No. Public Hearing notices are NOT required to be published or notify adjacent property owners within 200-feet like a Zoning Ordinance variance. However, this item is listed as a public hearing on the agenda allowing input from the applicant and the general public to assist with making a findings based upon evidence for each specific case.

Concurring Vote Required: Texas Local Government Code, Sec. 212.009. Approval Procedure: requires a simple majority of the members be present at the meeting of either the Planning and Zoning Commission or the Town Council. Three (3) members present at either the Planning and Zoning Commission or the Town Council constitute a quorum.

Exhibits:

1. Location Map
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