



BOARD OF ADJUSTMENT COMMUNICATION

DATE: November 12, 2025

FROM: Helen-Eve Beadle, Town Planning Consultant

AGENDA ITEM: Conduct a Public Hearing to consider a variance request to reduce the building setbacks and to reduce the minimum lot size requirement on an approximately 2.2-acre property legally described as Tract 18A out of the MEP & PRR Co. Survey, Abstract No. 928, Town of Bartonville, Denton County, Texas, and addressed as 1321 Bridle Bit Road, Bartonville, Texas 75022. The requested variance would allow the property to be platted, as is required by the Texas Local Government Code and the Town of Bartonville Subdivision Ordinance. The property is generally located west of Red Rock Lane/Porter Road, and north of Cross Timbers Road. Denton County property ID 241673. [Town File No. VAR-2025-004].

Applicants: James and Carolyn Hurd, William and Laura Wolfe-Trustees of the Wolfe Family Revocable Living Trust

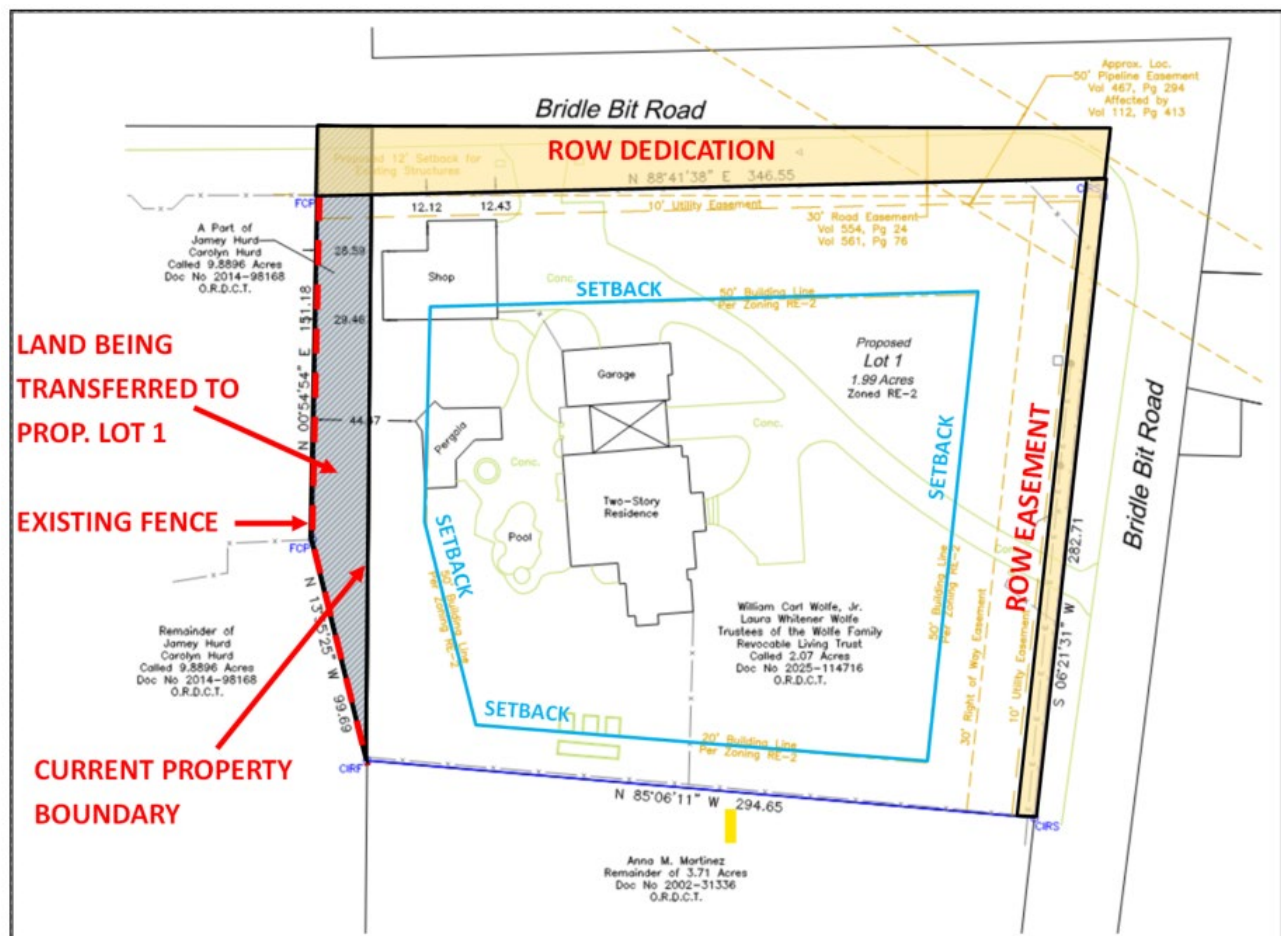
Current Zoning: Residential Estates 2 (RE-2)

Requested Variances: The applicants have submitted a variance application to permit the location of the existing “shop” and “pergola” within the regulatory setbacks (side and rear yard) of fifty (50) feet, and to allow a reduction in the minimum lot size from two (2) acres to 1.99 acres. These variances are necessary for the property to be platted in accordance with the Texas Local Government Code and the Town of Bartonville Subdivision Regulations.

Summary: As detailed in Exhibit 1 (Variance Application), the applicant is requesting the following:

- To permit the existing “shop” and “pergola” structures within the required rear and side yard setbacks of fifty (50) feet.
- To reduce the minimum required lot size from two (2) acres to 1.99 acres.

Proposal: The owners of the adjacent property to the west (Hurd) intend to sell approximately 5,600 square feet of land—aligned with an existing fence line—to the new owners (Wolfe) of the subject property (see Exhibit 2 Existing and Proposed Conditions and Exhibit 3 Aerial Boundary Exhibit). The hardships presented by the applicants are based on existing site conditions and the platting requirements imposed by state and local regulations, which constrain feasible development options.



Per the Texas Local Government Code and Bartonville's Subdivision Regulations, properties under five (5) acres must be platted. The owners have submitted a Minor Plat for approval (Exhibit 4, Hurd Addition Minor Plat). To be approved, the plat must comply with all applicable zoning and subdivision regulations.

The proposed Lot 1 includes a "shop" and a "pergola" that encroach into the required 50-foot side and rear yard setbacks. Specifically:

- The "shop" is located approximately 12.12 feet from the proposed side property line adjacent to Bridle Bit Road (north boundary). In the RE-2 zoning district, corner lots require a 50-foot side yard setback. Therefore, a variance to the setback requirement for 12 feet is recommended.
- The rear yard setback for accessory structures is also 50 feet. The "shop" is located approximately 44.47 feet from the proposed rear property boundary. Therefore, a variance to the setback requirement for 44 feet is recommended.

Right-of-Way Dedication: Right-of-way dedication or easement is required when platting. A 30-foot access easement currently exists along the northern boundary (Bridle Bit Road), and the Minor Plat proposes a 30-foot right-of-way dedication. The eastern boundary will reflect a total of 30 feet of right-of-way easement measured from the centerline of Bridle Bit Road. While dedication is preferred, a right-of-way easement is sufficient to meet the City's requirements.

Following the dedication, the proposed lot size will decrease from two (2) acres to 1.99 acres, triggering the need for a variance.

Summary of Variance Requests:

1. Reduction of the side yard setback for the existing “shop” from 50 feet to 12 feet, and the rear yard setback from 50 feet to 28 feet along the northern and western property boundaries.
2. Reduction of the rear yard setback for the existing “pergola” from 50 feet to 44 feet along the western property boundary.
3. Reduction of the minimum lot size from two (2) acres to 1.90 acres.

Criteria for Approval: In deciding the variance petition, the Board of Adjustment 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 requests would allow the property to be platted with a reduction in the rear and side yards and the minimum lot size. These structures, if permitted to remain through the variances, would be considered legally conforming structures. Additionally, any additional improvements to the property could be made based on the base zoning setbacks.

If Denied: Denial of the variance requests would mean that the property would not be in compliance with the zoning regulations for the existing accessory structures and minimum lot size and the property could not be platted.

Public Hearing Notices: Notice of the Public Hearing was published in the Denton Record Chronicle and notices were 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-2025-004
2. Proposed Hurd Addition Minor Plat
3. Zoning Exhibit illustrating existing structures and setbacks
4. Existing and Proposed Conditions
5. Boundary Exhibit
6. Notification/Location Map
7. Notification Letter
8. Notification Addresses
9. Publication Affidavit