

**STATE OF TEXAS** §  
**COUNTY OF DENTON** §  
**TOWN OF BARTONVILLE** §

A Special Called meeting of the Bartonville Board of Adjustment was held on Wednesday, Monday, March 29, 2011, at 6:00 p.m. in the Bartonville Town Hall. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law was hereby posted on Wednesday, March 14, 2011, at 3:00 p.m., at the Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

**Present:**

Kathy Daum, Vice Chairperson  
Alan Lavender  
Norma Harrington  
Jaye Morris  
Nona Dodson  
Del Knowler, Alternate

**Absent:**

Stacy Ehlers, Chairperson

Also present: Debbie E. Millican, Town Administrator  
Bob Hager, Town Attorney

Town Administrator Debbie Millican administered the Oath of Office to Alternate Del Knowler prior to opening the meeting.

Vice-Chairperson Daum called the meeting to order at 6:00 p.m.

**Call to Order**

Nona Dodson moved to approve the November 18, 2010, meeting minutes, as revised. Norma Harrington seconded the motion. For: Unanimous. The motion carried 5 to 0.

**ACTION: Approve Minutes**

Board Members conducted a hearing to hear public comment and to consider a request for a variance from the minimum lot depth requirements for RE-2 Residential Estates 2 acre minimum zoning district set forth in Chapter 30, Exhibit "A", Chart 4.3 Residential Development and Performance Standards Summary Base Density to allow for a minimum lot depth of approximately one hundred and sixty five (165) feet, being less than the required two hundred and forty (240) feet for an approximately 2.073 acre tract of land, being all of Tract 44, J. Burke Survey, Abstract Number 42, Town of Bartonville, Denton County, Texas, as recorded in Document Number 2004-148033 of the Real Property Records of Denton County, Texas, more commonly known as 950 Porter Road, Bartonville, Texas.

Vice-Chairperson Daum opened the public hearing and asked to hear from the applicant.

**Open Hearing**

Town Attorney, Bob Hager, administered the oath to all witnesses that chose to speak.

Jerry Yensan, Landmark Surveying, spoke on behalf of the applicant, Dan Martinez. Mr. Yensan said the applicant had purchased the lot in 2003 and had demolished the small home located on the lot. He said it had always been their intention to build a new home on the lot. Mr. Yensan gave a brief history of the lot and explained that it was completely surrounded by the Woodbine Addition. He said it had never been clear as to why this particular tract had been left out of the original subdivision. However, he said the Town approved the subdivision with this lot being left out. He asked that the variance be approved to allow construction of a new home.

**Applicant**

Vice-Chairperson Daum asked to hear from those in favor or in opposition. No one spoke in favor. Hussain Hisham Farid of 896 Porter Road, Bartonville, Texas, spoke on behalf of his mother who owns the home located at 896 Porter Road. He said that due to the nature of his mother's flag lot, if approved, the variance would allow for a home to be built within 50' of his mother's front door. Mr. Farid said that the value of his mother's home would also be greatly diminished. He stated that he and his mother were both very much opposed to the granting of the variance. No one else chose to speak in opposition.

**In Favor/Opposed**

Dan Martinez of 2212 Woods Edge, Corinth, Texas, stated that planned to build a very nice home on the lot. Annie Martinez of 1295 Bridle Bit road, Bartonville, Texas, said that she did not know a variance would be needed when the lot was purchased.

**Rebuttal**

Town Administrator, Debbie Millican, stated that the applicant Dan Martinez had submitted an application for a sketch and final plat to create a single lot comprised of 1.766 acres (2.073 acres prior to right-of-way dedication). She said the applicant was planning to submit a permit application to construct a new house on the lot thereby triggering the platting requirements. She said the lot was created approximately 27 years ago and the town sanctioned the lot by virtue of approving the Woodbine Addition that completely surrounds it. She said that the minimum lot depth requirement of 240' was established approximately twenty years after the 165' deep lot was created. Ms. Millican recommended approval of the variance to allow the construction of a single-family residence which is consistent with the uses of the surrounding properties and the intent of the zoning ordinance. Ms. Millican further stated that regardless of the depth of the lot, the building set back would remain the same, fifty feet (50') from the rear property line.

**Staff**

Vice-Chairperson Daum closed the public hearing to public comment.

**Hearing Closed**

Town Attorney Bob Hager advised that a variance could be approved, approved with conditions, or denied. Mr. Hager requested that the speakers

**Discussion**

Board member, Norma Harrington, moved to approve the request for variance as presented. Board member, Jaye Morris, seconded the motion. For: Harrington, Morris, Lavender, Daum. Against: Dodson. The motion carried by a vote of 4 to 1.

**ACTION: Grant Variance**

There being no further business, Vice-Chairperson Daum adjourned the meeting at 6:32 p.m. **ADJOURNMENT**

**APPROVED this the 11<sup>th</sup> day of May 2011.**

**Approved:**

(Seal)

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**Chairperson**

**Attest:**

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**Kristi Gilbert, Town Secretary, TRMC, CMC**