



BOARD OF ADJUSTMENT MEETING AGENDA

August 06, 2026 at 6:00 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

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.

D. APPROVAL OF MINUTES

1. Discuss and consider the approval of the March 31, 2026 Board of Adjustment Meeting Minutes.

E. PUBLIC HEARINGS AND ACTION ITEMS

1. Conduct a Public Hearing to hear public comment and consider a variance to Bartonville Zoning Ordinance Section 19.4.A.2., relating to accessory building setbacks. The property subject to the variance request is located at 1309 Palomino Circle in Bartonville, Texas. The applicants are requesting a 12-foot reduction to the interior side yard setback for a proposed new detached accessory structure. [Case # VAR-2026-004].

- a. Staff Presentation
- b. Applicant Presentation
- c. Open Public Hearing
- d. Those In Favor
- e. Those Opposed
- f. Rebuttal
- g. Close Public Hearing
- h. Discussion and Action

F. ADJOURNMENT

The Board of Adjustment reserves the right to recess into a closed meeting or executive session as authorized by Chapter 551 of the Texas Government Code, (the Texas Open Meetings Act) on any item posted on its open meeting agenda to seek legal advice pursuant to Texas Government Code Section 551.071, Consultation with Attorney of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

CERTIFICATION

I hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.

/s/ Shannon Montgomery, Town Secretary

Posted: Friday, July 31, 2026, prior to 12:00 pm.

Agenda Removed from Town of Bartonville Bulletin Board on: _____

By: _____, *Title:* _____



BOARD OF ADJUSTMENT COMMUNICATION

DATE: August 6, 2026

FROM: Shannon Montgomery, TRMC, Town Secretary

AGENDA ITEM: Discuss and consider approval of the March 31, 2026, Board of Adjustment Meeting Minutes.

SUMMARY:

The Board of Adjustment held a Meeting on March 31, 2026.

RECOMMENDED MOTION OR ACTION:

Approve the March 31, 2026, Meeting Minutes as presented.

ATTACHMENT:

- Draft March 31, 2026, Meeting Minutes.

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



BOARD OF ADJUSTMENT COMMUNICATION

DATE August 6, 2026

FROM: Ryan Wells, AICP, CFM, Town Planner

AGENDA ITEM: Public hearing to hear public comment and consider a variance to Bartonville Zoning Ordinance Section 19.4.A.2., relating to accessory building setbacks. The property subject to the variance request is located at 1309 Palomino Circle in Bartonville, Texas. The applicants are requesting a 12-foot reduction to the interior side yard setback for a proposed new detached accessory structure. The Town of Bartonville file number for this application is VAR-2026-004.

Applicant: Casey and Melanie Nunez

Zoning: Residential Estates – 2 Acre Lots (RE-2)

Requested Variance: To reduce the required building setback for an accessory building from 50 feet to 38 feet (12-foot reduction) in the RE-2 zoning district.

Summary: The applicant has submitted a variance request (Exhibit 1) to permit the construction of an accessory building (barn) on their residential property. Prior to constructing the building in the desired location, a variance must be granted, as the building is proposed to be 38 feet from the eastern property boundary, which is within the 50-foot building setback for the RE-2 zoning district (Bartonville Zoning Ordinance [BZO] Section 4.7), as established on the Saddlebrook Estates Phase II plat.

The subject property is approximately 2.35 acres in size. The 3,328 square-foot accessory structure, which upon approval of the variance would be constructed in the proposed location 38 feet from the eastern property boundary and within the building setback as shown in Exhibit 1, would otherwise remain subject to the Town's permit requirements as well as all other dimensional and use standards found in the BZO.

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 request would allow the construction of an accessory building approximately 38 feet from the eastern property line of the subject property in the approximate location shown in Exhibit A, subject to all other permitting, setback, and dimensional standards of the RE-2 zoning district.

If Denied: Denial of the variance request would mean that the accessory building would have to meet all setback requirements for the RE-2 zone and the setbacks established within the Saddlebrook Estates Phase II plat without exception, which includes a 50-foot building setback from the eastern property boundary.

Exhibits:

- 1. Variance Application VAR-2026-004 with renderings
- 2. Location Map
- 3. Notification Letter and Addresses
- 4. Publication Affidavit

Exhibit 1

TOWN OF BARTONVILLE
REQUEST FOR VARIANCE

Item E1.

☒ Zoning Regulations (Section: 19.4.A.2) ☐ Subdivision Regulations (Section: _____)
☐ Sign Regulations (Section: _____) ☐ Other: _____

Owner's Name: Casey and Melanie Nunez Phone: Fax: _____

Mailing Address 1309 Palomino Cir, Bartonville, TX 76226

Legal Description: Lot 2 Block M Addition Saddlebrook Estates

Present Use and Improvements on Property: Single Family Residence **X**

Description of Variance or *Special Exception* Requested:

Requesting variance to allow a rear yard setback of approximately 38 feet in Zoning District RE-2.

See attached for additional information.

Has a previous Application or Appeal to the Board been filed on the property?

☒ No

☐ Yes, Date: _____

Attach maps, designs, lists of property owner's names and addresses , and/or any additional materials as necessary or required by ordinance appeal procedures. Please included ten (10) copies of any information that is submitted.

.....

I certify that I am the legal owner of record of the property, or that I have secured the property owner's permission as shown on the attached affidavit (as applicable), and that the information concerning this request for variance is true and correct and respectfully request it's consideration.

Signature

Date

Application complete? _____ Fee Paid: \$ _____ Date: _____

Date to appear before: P&Z _____ TC _____ BOA _____

Remarks: _____

Bartonville Planning and Zoning Committee,

We respectfully request a variance from Section 19.4.A of the Bartonville Zoning Ordinance to allow a minimum rear setback of approximately 38 feet for a proposed accessory building (a barn) at 1309 Palomino Circle.

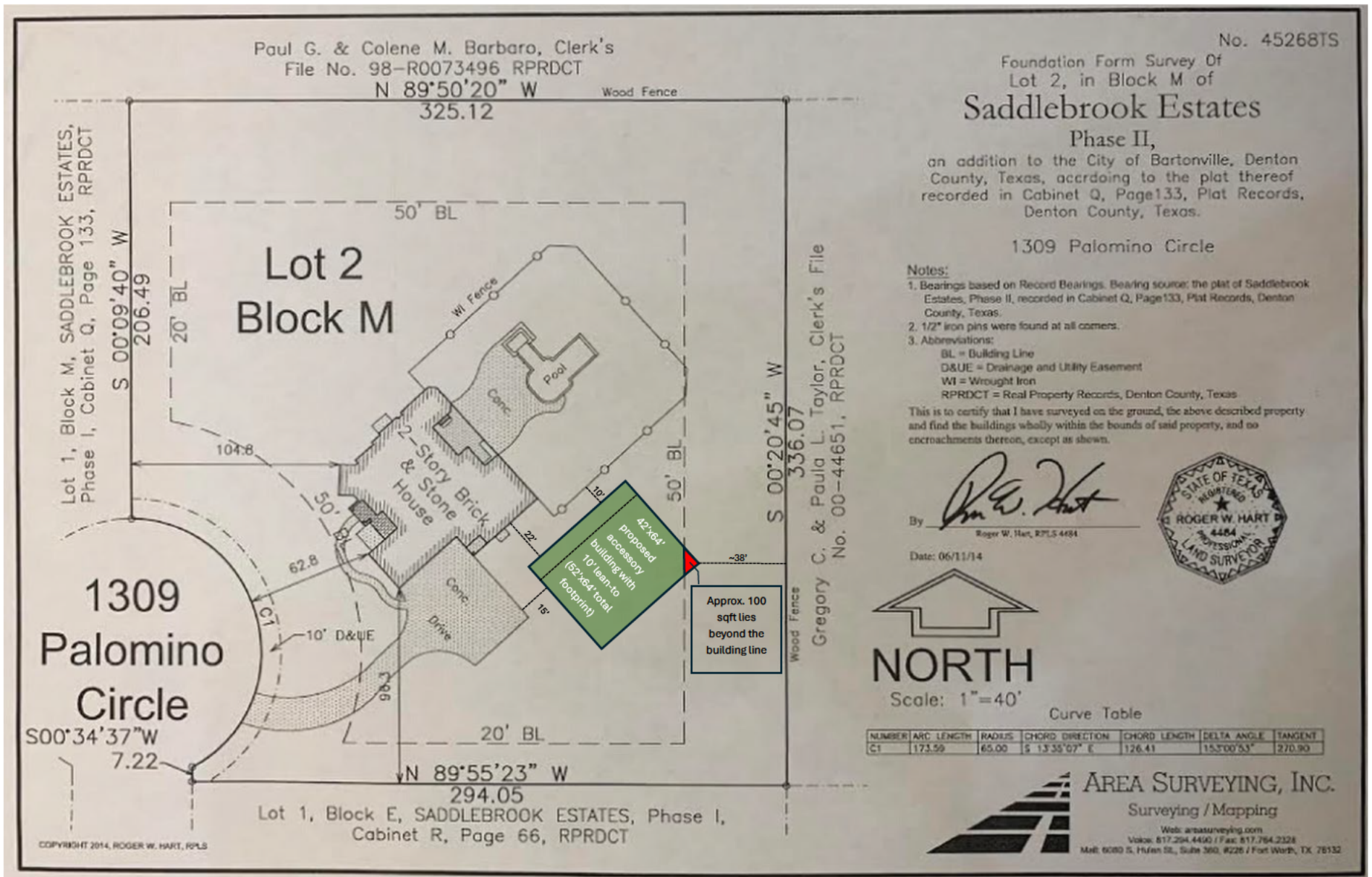
Our property is approximately 2.35 acres and has a unique configuration compared to many other residential lots in Bartonville. Access is provided from a cul-de-sac at one corner of the property, and the existing residence, pool, driveway, and septic system significantly influence the practical placement of a barn.

As shown on the attached exhibit, we have positioned the proposed barn to align with the existing residence and overall layout of the property while maintaining separation from existing improvements and mature post oak trees located along the southern property line.

The following pages include the property survey with proposed building footprint overlaid illustrating the small corner over the current 50' building line and a satellite image of the property.

The proposed barn has been approved by the Saddlebrook Estates Homeowners Association.

The requested variance is limited in scope. The proposed barn generally complies with the required building lines, and only a small portion of the southeast corner extends beyond the 50-foot rear building line. We believe the proposed location is consistent with the rural character of Bartonville, will not adversely affect neighboring properties, and represents the minimum relief necessary to allow a reasonable placement of the barn.







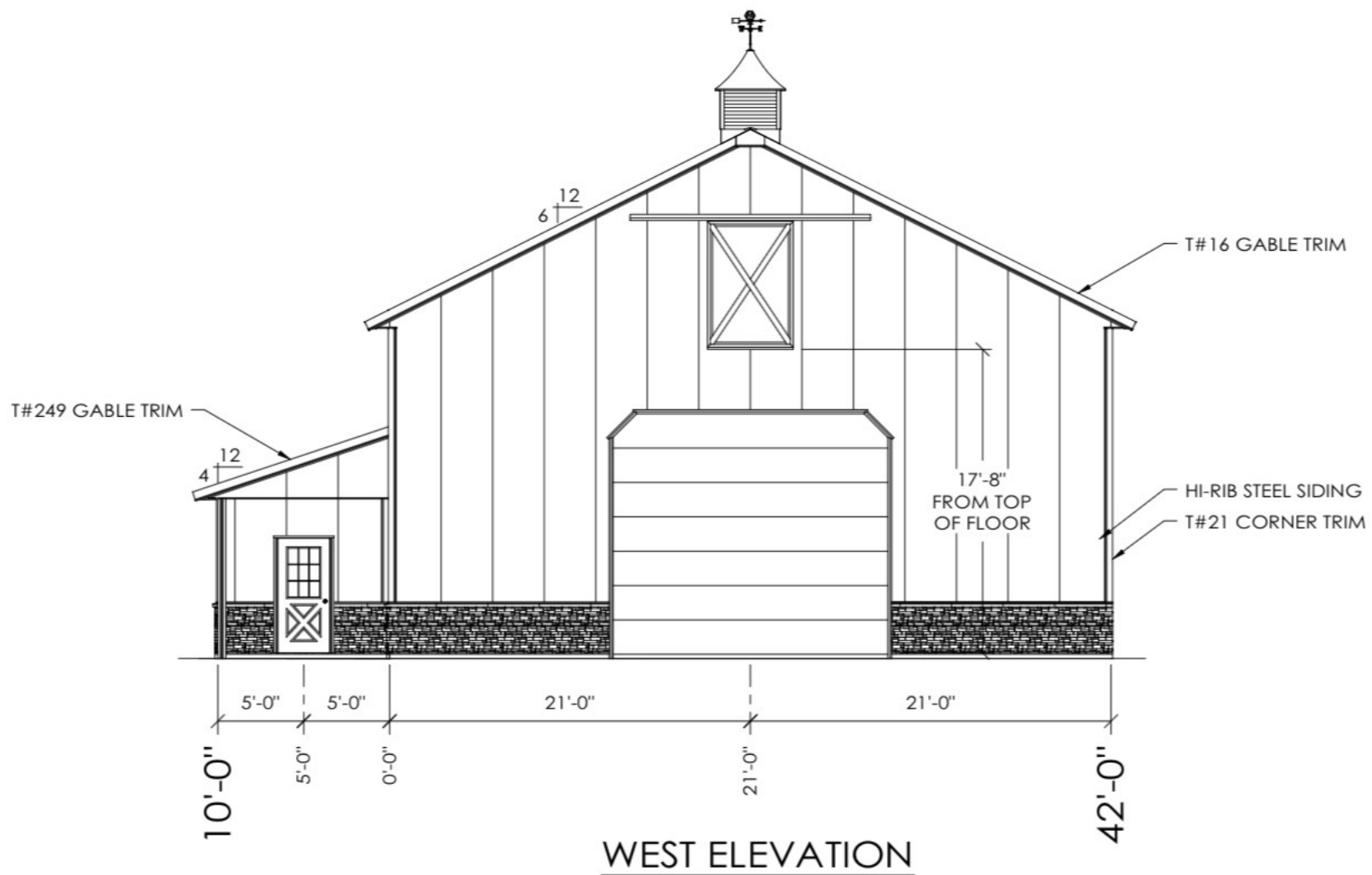


Exhibit 2

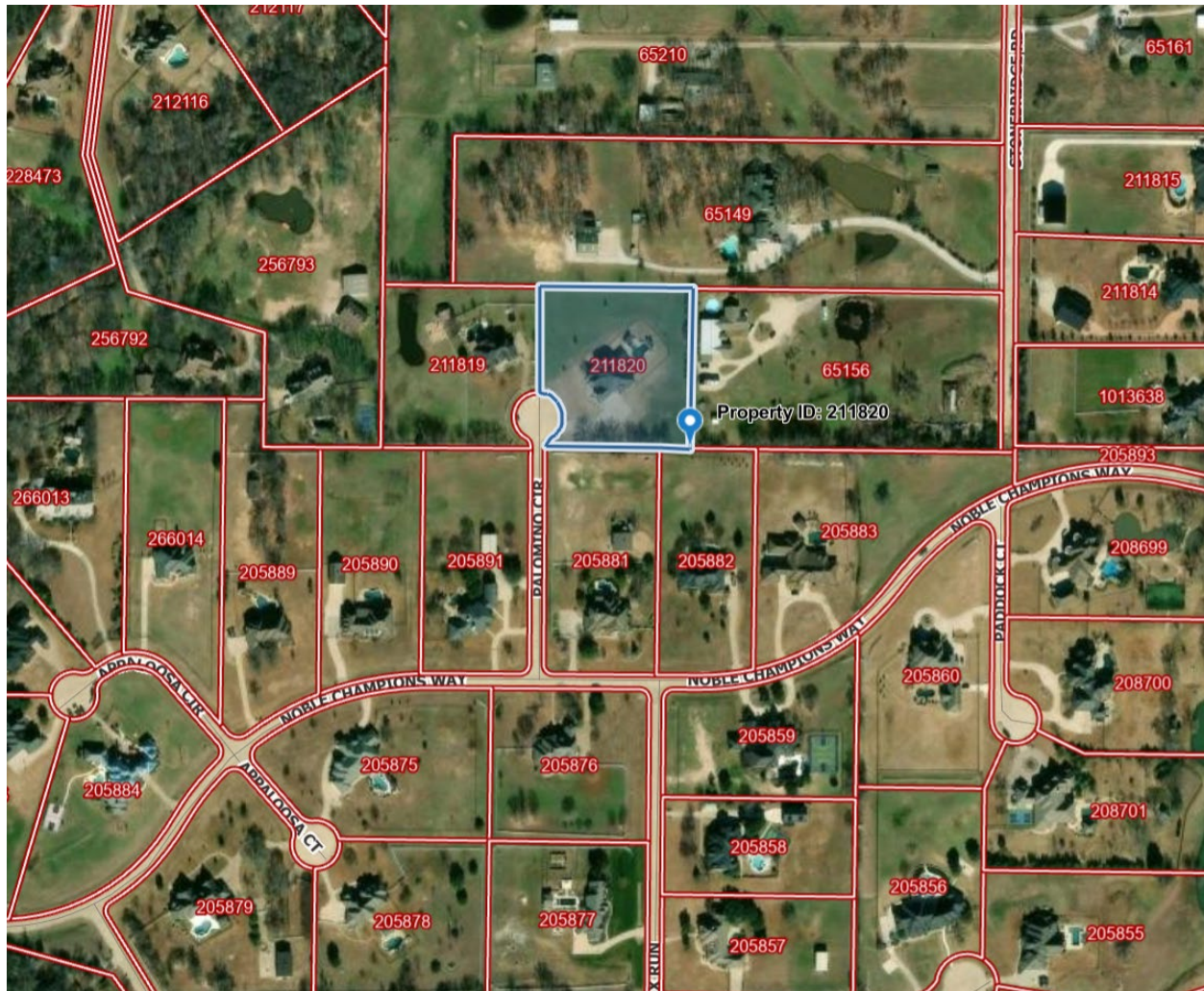


Exhibit 3



Board of Adjustments Meeting Date: August 6, 2026
Town Hall – 1941 E. Jeter Road, Bartonville, TX 76226
Time: 6:00 PM

PUBLIC HEARING NOTICE

Dear Property Owner:

You are receiving this notice because you own property within 200 feet of, or within, the boundaries of the subject property that is affected by the proposed change, which is described below and shown on a location map on the reverse side.

Notice is hereby given that the Town of Bartonville will hold the following public hearings:

On Thursday, August 6, 2026 at 6:00 PM, the Town of Bartonville Board of Adjustments will hold a public hearing for the item listed below:

Consider a variance to the following regulations: Bartonville Development Ordinance Section 19.4.A.2, relating to accessory building setbacks. The property subject to the variance request is located at 1309 Palomino Circle in Bartonville, Texas. The applicants, Casey and Melanie Nunez, are requesting a waiver of the applicable standards to permit a barn that would encroach into the 50-foot rear yard setback by 12 feet. **(Case # VAR-2026-004).**

As a property owner within two hundred 200 feet of this property, you are invited to attend this meeting in-person and voice your opinion at the public hearing. You are not required to be present, but all interested parties wanting to be heard should participate through the time and method stated above.

Additionally, your opinion regarding the request on the property described above may be expressed by notation on this form, or by letter. You may support or oppose this request; your opposition will be considered a protest. Written comments are to be sent to the **Town of Bartonville at 1941 E Jeter Road, Bartonville, Texas 76226**. This form, or comment, may also be sent by email to Shannon Montgomery, at smontgomery@townofbartonville.com. Additionally, if you have any questions regarding the proposed item, you may call 817-693-5280 for assistance.

I am writing in **(Check as applicable)** Support: _____ Opposition: _____ of the proposal.

Additional Comments:

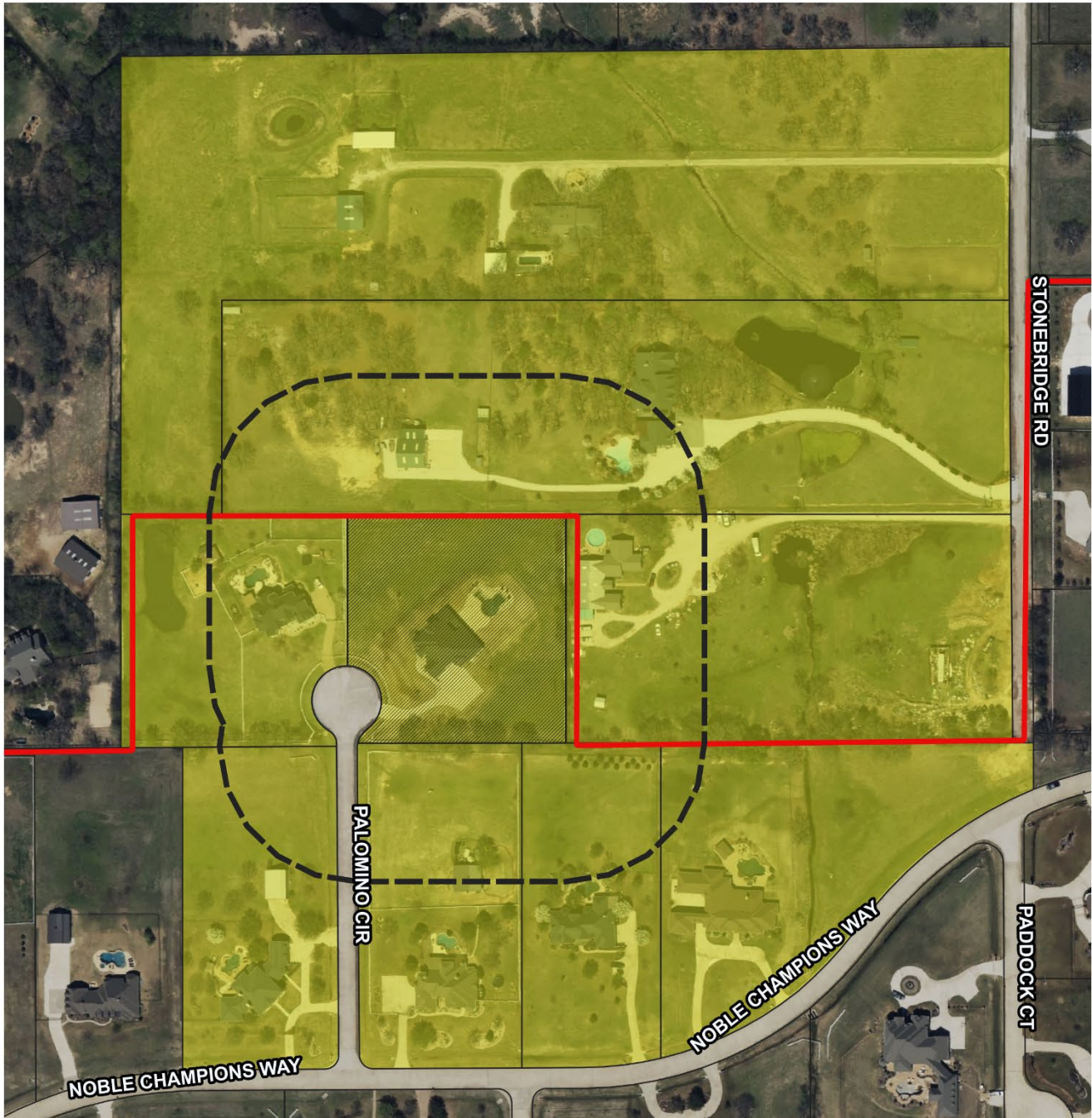
Name/Address/Town: **(Print) (Required)**

PUBLIC HEARING 200-FOOT RADIUS NOTIFICATION MAP

1900 Palomino Circle

Legend

- | | |
|---|---|
|  200-Foot Notice |  Subject Property |
|  Bartonville Town Limits |  Parcels to Notify |



NAME	ADDRESS	CITY	STATE	ZIP
BARBARO, PAUL G & COLENE M	13032 STONEBRIDGE RD	ARGYLE	TX	76226-6366
GRAHAM, MICHAEL GEORGE & LYNN HARVEY	923 NOBLE CHAMPIONS WAY	ARGYLE	TX	76226-6395
GROEN, MICHAEL WILLIAM & KATIE LYNNE	901 NOBLE CHAMPIONS WAY	ARGYLE	TX	76226-6395
LESSLEY, MARK I & SILKE B	1306 PALOMINO CIR	BARTONVILLE	TX	76226-6390
NUNEZ, CASEY J & MELANIE L	1309 PALOMINO CIR	ARGYLE	TX	76226-6390
STELLING, GEORGE HENRY JR & KRISTA JANE	911 NOBLE CHAMPIONS WAY	ARGYLE	TX	76226-6395
TAYLOR, GREGORY G & PAULA L	PO BOX 271767	FLOWER MOUND	TX	75027-1767
WARD, ROBERT LEE & LISA MARIE	1300 PALOMINO CIR	ARGYLE	TX	76226-6390
WELKER, ANTONIA E & DENNIS P	13024 STONEBRIDGE RD	ARGYLE	TX	76226-6366

Exhibit 4

Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755

I, Edmar Corachia, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

Jul. 18, 2026

Notice ID: iVm7qTRnqUj6qm45WTzq

Notice Name: 08.06.26 BOA PH Notice for 07.18.26 pub

PUBLICATION FEE: \$44.16

I declare under penalty of perjury that the foregoing is true and correct.

Agent

VERIFICATION

State of New Jersey
County of Camden

Signed or attested before me on this:

Notary Public

Town of Bartonville
Board of Adjustment
Notice of Public Hearing

The Board of Adjustment for the Town of Bartonville, Texas will conduct a Public Hearing at 6:00 p.m. on Thursday, August 6, 2026, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider a variance to the following regulations: Bartonville Development Ordinance Section 19.4.A.2, relating to accessory building setbacks. The property subject to the variance request is located at 1309 Palomino Circle in Bartonville, Texas. The applicants, Casey and Melanie Nunez, are requesting a waiver of the applicable standards to permit a barn that would encroach into the 50-foot rear yard setback by 12 feet. The Town of Bartonville file number for this application is **VAR-2026-004**. To learn more about this project or to provide written comments, please contact the Town of Bartonville at (817) 693-5280 or smontgomery@townofbartonville.com. All interested parties are encouraged to attend.

drc 07/18/2026