

Project Narrative

The request for a variance is to separate 15-acre tract into 2 separate parcels. The proposed subdivision will create two low density lots from the existing tract. Gloria Hernandez will be keeping the parcel with the existing home while Modesto Zepeda and I will be building a single family home on the open parcel. Both lots will utilize the existing private road easmt for access. No new road construction or significant infrastructure expansion is proposed. We are all family and currently all live in the same home located at 7434 Indian wells Rd, therefor traffic will not be impacted either.

Explanation of Requested Variance

The applicant is requesting a variance from Denton Development Code Subsection 8.3.2.C.2.a, which limits the number of lots that may obtain access from a private road easement.

The proposed project involves subdividing an approximately 15-acre tract into two residential lots. Both lots will take access from an existing private road easement (Indian Wells Road). The requested variance would allow one additional lot to access the private road, resulting in more than the number of tracts otherwise permitted by the Development Code.

Reason for Request

Strict enforcement of this provision would prevent the reasonable subdivision and residential use of the property despite its size and suitability for low-density development. The need for the variance is due to the existing condition of the property—specifically, its reliance on an established private access easement shared with other tracts.

The request is not based on financial hardship but on the physical and regulatory constraints affecting access to the property.

Approval Criteria

1. Special Conditions / Hardship

The property is subject to unique conditions in that access is limited to an existing private road easement already serving multiple tracts. These circumstances are not self-created and restrict the ability to subdivide the land in compliance with the code.

2. Preservation of Property Rights

Without the variance, the applicant is unable to reasonably divide and use the property for typical residential purposes consistent with surrounding land uses. Granting the variance allows rights enjoyed by nearby properties with similar access arrangements.

3. Minimum Necessary Relief

The variance request is the minimum necessary to allow subdivision into two lots. It introduces only one additional residential tract and does not seek to maximize density beyond what is typical for the area.

4. No Adverse Impact to Public Health, Safety, or Welfare

The addition of one single-family residence will generate minimal traffic and will not overburden the existing private road. The private road is maintained by the property owners and is currently in good condition, providing adequate access for residents and emergency services. No negative impacts to drainage, utilities, or infrastructure are anticipated.

5. Consistency with the Intent of the Code

The intent of the regulation is to limit excessive reliance on private roads. This request maintains that intent by proposing only a minimal increase in usage, consistent with previously approved variances in similar situations.

Conclusion

The requested variance represents a reasonable and minimal deviation from the Denton Development Code necessary to allow the subdivision of a 15-acre tract into two residential lots. Approval of this request will not adversely impact surrounding properties and is consistent with the character of the area and prior decisions.