



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Kenneth Hedges

DATE: July 27, 2026

SUBJECT

Hold a public hearing and consider an appeal of an administrative decision regarding the existence of nonconforming rights for the building addressed as 910 North Mayhill Road. The building is one of four structures located on an approximately 3.5-acre property located on the east side of North Mayhill Road, approximately 735 feet north of Russell Newman Boulevard, in the City of Denton, Denton County, Texas. (AA26-0003, 910 N Mayhill Rd, Hayley Zagurski)

BACKGROUND

The appellant and property owner, Pascal Mike Aghyarian of 24K Holdings, LLC, submitted a Zoning Verification Letter – Determination of Nonconforming Rights application on May 12, 2026 seeking confirmation of nonconforming rights to use the building addressed as 910 N Mayhill Rd (hereafter, “the subject building”) for a variety of commercial and light industrial uses that would fall into the defined land use categories of Outdoor Storage; Warehouse and Wholesale Facility; Low-Impact Manufacturing; and Administrative, Professional, and Government Office under the Denton Development Code (DDC). The subject building is one of four approximately 1,200-square foot buildings located on the approximately 3.5-acre subject property commonly known as 870, 890, 910, and 936 N Mayhill Rd (see Exhibit 3). Although there are four buildings on the property, the initial Zoning Verification Letter request, and therefore this appeal, are strictly related to the subject building addressed as 910 N Mayhill Rd. Subsection 1.5.3A.2 of the DDC specifies that nonconforming uses shall not be extended beyond the building the use operates within; therefore, a new Zoning Verification Letter request would be needed with additional documentation provided by the property owner in order for a determination to be made regarding the existence of nonconforming rights for each of the other three buildings.

The property is zoned Rural Residential (RR) District, which does not permit any of the land uses listed above. Based on information provided by the owner with their Zoning Verification Letter request (see Exhibit 5) and based on staff’s independent research, the Director determined that no nonconforming rights to continue to use the property for any of the above-listed uses exist for the subject building due to no use having been legally permitted within the subject building since at least 2021 (see Exhibit 6, the “Director Determination” for additional details). The appellant submitted an initial letter in appeal of the Director’s Determination on May 29, 2016, which was followed by submitting a complete Appeal of an Administrative Decision application and with supplemental information on June 16, 2026, which is all provided as Exhibit 4. Once an appeal application is submitted, the Zoning Board of Adjustment is required to hold a public hearing to hear the facts of the case and then hold a subsequent meeting to decide the appeal outcome, both within 60 days of the appeal being filed. Refer to Exhibit 8 for additional information.

Background information regarding the property's development, annexation, and zoning history is provided below.

Property and Zoning History

Denton County Appraisal District records and aerial imagery (Exhibit 7) indicate that the subject building (910 N Mayhill Rd) as well as the building to the south (890 N Mayhill Rd) were built in approximately 2009. The two northern buildings (870 and 936 N Mayhill Rd) were constructed in approximately 2010. At that time the property was located in the City of Denton's Extraterritorial Jurisdiction (ETJ). The City of Denton does not have zoning and land use authority in the ETJ and therefore does not have records related to construction or use of the buildings during this timeframe.

The property was annexed into the City's corporate limits in April of 2013 (ordinance 2013-097). At that time the property was assigned the placeholder zoning designation of Rural Residential (RD-5x). Under the 2002 version of the DDC that was in effect at the time, properties with the RD-5x placeholder designation followed the use and dimensional standards of the Rural Residential (RD-5) zoning district until such time as a property owner brought forward an application to establish an initial zoning designation for their property. However, in accordance with Texas Local Government Code (TLGC) Section 43.002, the 2002 DDC contained provisions that allowed any legal use of land that was in existence in the ETJ prior to annexation, that had been in regular and continuous use, and that did not conform to the RD-5 regulations to be deemed nonconforming and allowed to continue in accordance with those limitations. No records were provided with the Zoning Verification Letter application (Exhibit 5) or located in City records to determine what use was occurring within the subject building or on the rest of the subject property at the time of annexation. Although Aerial imagery from January and September of 2013, discussed in the Director's Determination, shows vehicular activity in the front yard of the property and materials storage and trailers in the rear yards of 890 and 910 N. Mayhill Rd.; this does not – by itself – show the existence of an established Outdoor Storage; Warehouse and Wholesale Facility; Low-Impact Manufacturing; and Administrative, Professional, and Government Office use. Therefore, City Staff cannot determine what land use(s) the City may have been obligated to allow to continue at that time.

With the adoption of the 2019 version of the DDC, the subject property's zoning transitioned to Rural Residential (RR) District, which had similar use and dimensional standards to the previous RD-5x designation. The 2019 DDC also contained provisions regarding the continuation of nonconforming rights in Section 1.5, which were applied as part of the Zoning Verification Letter process in order to determine if a nonconforming use had been legally established and had been in continuous use on the property such that it would be allowed to legally continue (Exhibit 6, the "Director Determination").

The current owner (the appellant) purchased the property in 2021. The application letter provided with the Zoning Verification Letter application (Exhibit 5, the "Determination Request") indicates that a company by the name of Esparza Custom Cabinets was operating in the buildings addressed as 890 and 920 N Mayhill Road at the time of property purchase and that this company began occupying the subject building at 910 N Mayhill Road in 2023. Based on the Determination Request, the cabinet company was the last occupant and user of the subject building, having vacated the subject building in January of 2026. The Determination Request includes a copy of a commercial lease with a term of January 1 through December 31, 2020 for Esparza Custom Cabinets to occupy the buildings at 890 and 920 N Mayhill Road, but not further evidence was provided or located to show that this business occupied those buildings or the subject building after the end of the lease term in 2020.

Staff's research regarding the use of the subject building prior to and since annexation is detailed in the Director Determination, Exhibit 6. Since annexation, no applications have been submitted to rezone the property to a district that would permit the variety of uses the appellant asserts have been occurring on the property and which are desired to continue occurring on the property. It is also important to note that since the property's annexation in 2013 no applications for Certificates of Occupancy (CO) have been sought for

the subject building. City records indicate one CO has been issued to a building on the overall subject property since annexation, which was for an auction company to occupy the building addressed as 936 N Mayhill Road in 2023, after the current owner/appellant purchased the property.

In accordance with Section 111 of the 2021 International Building Code (IBC), which has been adopted by the City of Denton as the official building code, a CO is required for any new business, a change in use, a change in business name, or a change in ownership for any building to be legally used or occupied within the City of Denton. Although Denton County does not have the legislative authority to adopt commercial building codes or issue COs so no CO would have been required at the time of building construction, all previously adopted versions of the IBC that have been in place since the property was annexed into the City in 2013 have also required COs be obtained for a business to legally begin operating or when changes in name or ownership occur. Thus, in order for any of the businesses noted in the Zoning Verification Application (Exhibit 5) to have been legally established on the subject property or within the subject building in the past thirteen years, a CO application would have been required to be applied for by the business owner and issued by the City of Denton. Regardless of the use history of the building and whether nonconforming rights existed, a CO would not have been able to be issued for the subject building without utility services to the building, and as noted in Exhibit 6, the City's utility records indicate service to the subject building has not been active since 2021.

Staff's analysis regarding how the nonconforming rights determination was made and considerations related to the appeal are provided as Exhibit 2.

OPTIONS

No action is required at this first meeting. A decision on this matter is scheduled to be issued at the next ZBA meeting on July 27, 2026 in accordance with TLGC Section 211.010.

PUBLIC OUTREACH:

The appellant/property owner was notified of the hearing date and time by email on June 30, 2026 and by certified United States mail sent to all associated addresses on June 30, 2026. No further public notification is required for an appeal of an administrative decision hearing.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact disclosures have been provided to staff from members of this body as of the issuance of this report.

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Location Map
4. Appeal Letter and Application
5. Zoning Verification Determination Request
6. Zoning Verification Director Determination Letter
7. Historic Imagery and Final Utility Bills
8. TLGC Section 211.010 Appeal to Board

Respectfully submitted and prepared by:
Hayley Zagurski, AICP
Planning Director