



AGENDA

Board of Adjustment Meeting

105 S. Cockrell Hill Road, Ovilla, Texas 75154

November 16, 2015

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY HOLDER OF LICENSE TO CARRY A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (CONCEALED HANDGUN LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN

"De conformidad con lo establecido en el artículo 30.06 del Código Penal (entrar sin autorización en una propiedad por parte de un titular de un permiso para portar armas ocultas) una persona con licencia bajo el subcapítulo h, capítulo 411 del código de gobierno (ley de portación oculta de armas), no puede entrar en esta propiedad portando una arma oculta."

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a **Regular Meeting** of the Board of Adjustment to be held on **Monday, November 16, 2015 at 7:00 P.M.** at **105 S. Cockrell Hill Road, Ovilla, Texas, 75154** for the purpose of considering the listed item(s). The Board of Adjustment of the City of Ovilla, Texas, reserves the right to meet in a closed session pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations).

Call to Order

Pledge of Allegiance

Comments, Presentations, Reports and/or Appointments

None

Consent Items

- Minutes of the September 21, 2015 BOA Meeting

The following item(s) may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Board Member, in which event those items will be pulled from the consent agenda for individual consideration.

Individual Consideration

- ITEM 1. BOA201516.01 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Mr. & Mrs. Calhoun for a residential special exception to construct a fence on or beyond the building line, which is not allowed by Ordinance, on her property located at 101 Pebble Ridge Ct.
- DISCUSSION/ACTION – Consideration of and action on requested Special Exception** filed by Mr. & Mrs. Calhoun.

Carol Richtsmeier, PL1
Jamie Hilburn, PL2
Barbara Betik, Chair, PL3
Stephanie Albright, PL4

City of Ovilla

Richard Ware, Jr. Vice Chair, PL5
ALT- Jeanne Ham, PL6
ALT- Sandra Cawley, PL7
Mike Dooly, Code Enforcement

ITEM 2. BOA201516.02 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Mr. Ronald Kingsley for a residential special exception to construct a fence on or beyond the building line, which is not allowed by Ordinance, on his property located at 211 Willow Creek Lane.

DISCUSSION/ACTION – Consideration of and action on requested *Special Exception* filed by Mr. Ronald Kingsley.

Zoning Board of Adjustment Requests for Future Items

No action or in-depth discussion may occur during this item. It is intended to provide an opportunity for the Board to inform each other and the public about events and situations that are of general interest.

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **November 16, 2015 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 13th day of November, 2015, prior to 6:00 P.M.



Glennell Miller
Board Secretary



DATE OF POSTING: 11-15-2015 **TIME:** 3:00 am/pm
DATE TAKEN DOWN: _____ **TIME:** _____ am/pm

IF YOU OR YOUR REPRESENTATIVE HAS A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CONTACT THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. **PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.**

CITY OF OVILLA MINUTES
Monday, September 21, 2015
Regular Board of Adjustment Meeting

Vice Chair Richard Ware called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:04 p.m. with the following BOA members present, thus constituting a quorum:

Stephanie Albright	Board Member
Jamie Hilburn	Board Member
Carol Richtsmeier	Board Member
Sandra Cawley	Board Member (Alternate)
Jeanne Ham	Board Member (Alternate)

Absent: Barbara Betik Chair

Code Enforcement Officer Mike Dooly was present.

PL1 Carol Richtsmeier called the role, noting Chair Betik was absent and all other members present, thus declaring a quorum. The Pledge of Allegiance was led at this time.

Vice Chair Ware outlined the evening's agenda and briefed those present on board procedures.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

City Secretary Pam Woodall administered Oath of Office for returning Board of Adjustment member Carol Richtsmeier PL1 *(prior to the meeting)*

CONSENT ITEMS

- Minutes of the June 15, 2015 BOA Meeting

PL2 Hilburn made the motion that the BOA approve the consent item as presented.

PL1 Richtsmeier seconded the motion.

VOTE: The motion carried 6-0.

Chair Betik was noted absent.

- Approval of FY BOA Meeting/Deadline Calendar

PL1 Richtsmeier made the motion that the BOA approve the consent item as presented.

PL2 Hilburn seconded the motion.

VOTE: The motion carried 6-0.

Chair Betik was noted absent.

CITY OF OVILLA MINUTES
Monday, September 21, 2015
Regular Board of Adjustment Meeting

PUBLIC HEARING

ITEM 1. BOA201415.07 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.7 OTHER ACCESSORY BUILDINGS; filed by Ms. Diana Sianez for a residential variance to construct accessory building that exceeds the number allowed on her property located at 909 Cockrell Hill Rd.

Vice Chair Ware read aloud the captioned request and opened the Public Hearing at 7:14 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooley shared a brief summary and explained that the applicant has over 2 acres, and other accessory buildings already on property. The applicant is requesting is to add a pergola over the pool deck area. The pool deck concrete is already complete. The board went over the established accessory buildings, and what each were being used for. After further clarification, the board decided to hear from the applicant.

(Testimony that followed was under proper oath; Applicant)

Applicant, Diana Sianez also explained what the intent was for the requested pergola. The applicant stated that the accessory buildings were already built when they moved in. She explained that there was no shade in their yard, and wanted to build the pergola for that reason.

(Vice Chair Ware asked that those speaking in support of the request to please step to the podium:)

None

(Vice Chair Ware asked that those speaking in opposition of the request to please step to the podium:)

Darrell Jungman – 907A Cockrell Hill Rd. - Explained that he lives next door to the applicant, and is able to see into their back yard which contains all of the accessory buildings. He stated that he has strong opposition to the additional building.

Sharon Jungman – 907A Cockrell Hill Rd. – Explained that she lives next door to the applicant, (wife of Darrell Jungman) also has strong opposition of the additional accessory building being built.

(Rebuttal or Final Comments:)

None

Vice Chair Ware closed the Public Hearings at 7:38 p.m.

~ NOTED: THE CITY DID NOT RECEIVE LETTERS FOR OR AGAINST APPLICANT'S REQUEST ~

CITY OF OVILLA MINUTES
Monday, September 21, 2015
Regular Board of Adjustment Meeting

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Ms. Diana Sianez

The Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a negative outcome.

PL2 Hilburn moved that the BOA deny the variance to Diana Sianez at 909 Cockrell Hill Rd. for accessory building that exceeds the number allowed on her property as presented in appeal BOA201415.07.

PL4 Albright seconded the motion.

Record vote was called:

Record Vote:

ALBRIGHT	<u>AYE</u>
BETIK	<u>ABSENT</u>
HILBURN	<u>AYE</u>
WARE	<u>AYE</u>
HAM	<u>AYE</u>
CAWLEY	<u>AYE</u>
RICHTSMEIER	<u>AYE</u>

VOTE: The motion carried 6-0.

Chair Betik was noted absent.

ITEM 2. BOA201415.08 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.7 OTHER ACCESSORY BUILDINGS; filed by Mr. Tom Foster for a residential variance to construct accessory building that exceeds the number allowed on his property located at 1908 Duncanville Rd.

~ Item could not be brought before the Board due to application error ~

ITEM 3. BOA201415.09 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT; filed by Mr. Todd Evans for a residential variance to construct accessory building with front facing door(s) on his property located at 503 Bruce Ct.

CITY OF OVILLA MINUTES
Monday, September 21, 2015
Regular Board of Adjustment Meeting

Vice Chair Ware read aloud the captioned request and opened the Public Hearing at 7:45 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared a brief summary and explained that the applicant has to place the doors towards the front of the property due to the septic lines being in the way of any roadway/driveway that would be the only access to the accessory building.

(Testimony that followed was under proper oath; Applicant)

Applicant, Todd Evans explained that all septic lines are in the areas of any other available area to place the door(s)/driveway to the accessory building.

(Vice Chair Ware asked that those speaking in support of the request to please step to the podium:)

None

(Vice Chair Ware asked that those speaking in opposition of the request to please step to the podium:)

None

(Rebuttal or Final Comments:)

None

Vice Chair Ware closed the Public Hearings at 7:53 p.m.

~ NOTED: THE CITY DID NOT RECEIVE LETTERS FOR OR AGAINST APPLICANT'S REQUEST ~

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Mr. Todd Evans

The Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a positive outcome.

PL6 Ham moved that the BOA approve the variance to Todd Evans at 503 Bruce Ct. for a residential variance to construct an accessory building with front facing door(s) on his property located at 503 Bruce Ct.
PL2 Hilburn seconded the motion.

Record vote was called:

Record Vote:

ALBRIGHT	<u>AYE</u>
BETIK	<u>ABSENT</u>
HILBURN	<u>AYE</u>

Carol Richtsmeier, BOA PL1
Chair Barbara Betik, BOA PL3
Vice Chair Richard Ware, BOA PL5
Sandra Cawley, BOA PL7 (Alternate)

Jamie Hilburn, BOA PL2
Stephanie Albright, BOA PL4
Jeanne Ham, BOA PL6 (Alternate)
Mike Dooly, Code Enforcement

CITY OF *O*VILLA MINUTES
Monday, September 21, 2015
Regular Board of Adjustment Meeting

WARE AYE
HAM AYE
CAWLEY AYE
RICHTSMEIER AYE

VOTE: *The motion carried 6-0.*
Chair Betik was noted absent.

Zoning Board of Adjustments Requests for Future Items

N/A

Adjournment

There being no further business, Vice Chair Richard Ware adjourned the meeting at 7:54 p.m.

Richard Ware, Vice-Chair

ATTEST:

Glennell Miller, Board Secretary

Attachment: Facts of Findings Form (2)

Approved on November 16, 2015



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: DIANA SIANEZ

Case Number: BOA201415.07

Address: 909 COCKRELL HILL RD.

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.7 OTHER ACCESSORY BUILDINGS of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That special circumstances or conditions exist which are peculiar to the property, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.		✓
2. That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance.		✓
3. That the special conditions and circumstances do not result from the action of the applicant.		✓
4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and		✓
5. The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.		✓

All findings must be determined in the affirmative for the variance to be granted.

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
Chair Barbara Betik	ABSENT		
Vice Chair Richard Ware		AYE	
Member Stephanie Albright		AYE	
Member Jamie Hilburn		AYE	
Member Carol Richtsmeier		AYE	
Alt. Member Sandra Cawley		AYE	
Alt. Member Jeanne Ham		AYE	

TOTALS:

☐ FOR
☒ **6** AGAINST
☐ ABSTAIN ABSENT


The variance is hereby: _____ granted

_____ denied


Presiding Officer of BOA

Date

9/21/15


City or Board Secretary



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: TODD EVANS
Address: 503 BRUCE CT.

Case Number: BOA201415.09

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.7 OTHER ACCESSORY BUILDINGS of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That special circumstances or conditions exist which are peculiar to the property, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.	✓	
2. That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance.	✓	
3. That the special conditions and circumstances do not result from the action of the applicant.	✓	
4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and	✓	
5. The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	✓	

All findings must be determined in the affirmative for the variance to be granted.

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
Chair Barbara Betik <i>ABSENT</i>			
Vice Chair Richard Ware	AYE		
Member Stephanie Albright	AYE		
Member Jamie Hilburn	AYE		
Member Carol Richtsmeier	AYE		
Alt. Member Sandra Cawley	AYE		
Alt. Member Jeanne Ham	AYE		

TOTALS:

6 FOR
0 AGAINST
1 ABSTAIN - *ABSENT*

The variance is hereby:

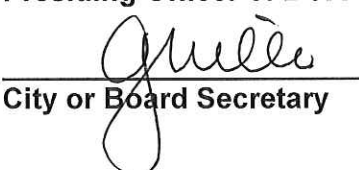
✓ granted

 denied


Presiding Officer of BOA

Date

9/21/15


City or Board Secretary

BOARD OF ADJUSTMENT

AGENDA ITEM NO: 1

November 16, 2015

ITEM 1. BOA201516.01 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Mr. & Mrs. Calhoun for a residential special exception to construct a fence on their property at 101 Pebble Ridge Ct.

DISCUSSION/ACTION – Consideration of and action on requested *Special Exception* filed by Mr. & Mrs. Calhoun.

APPLICANT: Tim/Lisa Calhoun
LOCATION: 101 Pebble Ridge Ct.
ZONING: RE Residential

NOTICES: One public notice listed in the Waxahachie Daily Light; 13 certified letters mailed. The City Board Secretary has received 1 notice in support of the special exception and did not receive any notice in opposition.

APPLICANT'S PROPOSAL:

Applicant requests to construct fence on/beyond building line. (This is a replacement fence in the same location.)

DISCUSSION:

The Ovilla Code of Ordinances, Chapter 14, Section 35.3, FENCES IN RESIDENTIAL DISTRICTS states:

- (C) Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.
- (D) Support and Rails. 1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

BOARD DISCUSSION: The Board is allowed to grant a *special exception* based on the outcome of the Findings of Fact.

STAFF RECOMMENDATION: N/A

SAMPLE MOTION:

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO TIM AND LISA CALHOUN AT 101 PEBBLE RIDGE CT, TO BUILD A FENCE ON/BEYOND THE BUILDING LINE ON THEIR PROPERTY, AS PRESENTED IN BOA201516.01."

City of Ovilla

Phone: (972) 617-7262
Fax: (972) 615-3221

105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	5007		Valuation:	4,500
			Valuation w/land:	
Project Address:	101 Pebble Ridge Ct. Ovilla Tx 75154			
Lot:	Block:	Subdivision:		
Project Description:	NEW SFR	SFR REMODEL/ADDITION	SPECIFY OTHER:	
	PLUMBING/ELECTRICAL	FLATWORK	SPRINKLER	
	SWIMMING POOL	ACCESSORY BUILDING	FENCE	
Proposed Use:	Enclose Yard			
Description of Work:	Install 360ft of wood fence around the yard			
Area Square Feet:		Covered Porch:	Total:	Number of stories:
Living:	Garage:			

Name:	Lisa Calhoun	Contact Person:	Lisa or Tim Calhoun
Address:	101 Pebble Ridge Ct. Ovilla Tx 75154		
Phone Number:	Home Number:	Mobile Number:	214-517-9671

General Contractor	Contact Person	Phone Number	Contractor License Number
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: **Lisa Calhoun** Date: **9/23/2015**

OFFICE USE ONLY:

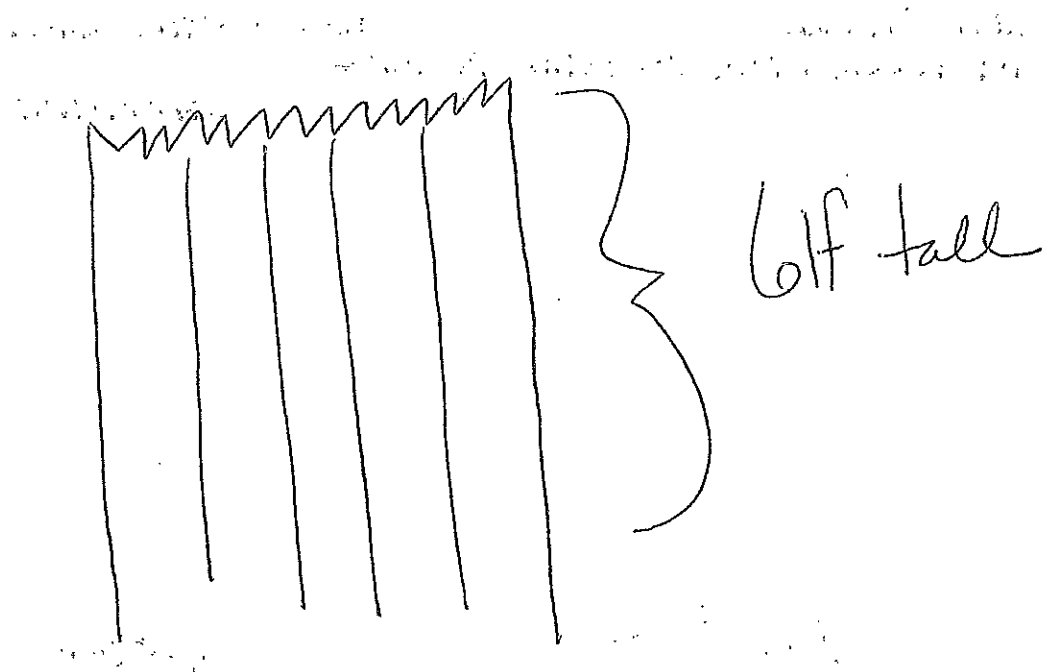
Approved by:	Date approved:	
Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:	Receipt #	Issued Date:
Park Impact Fee:		Expires: 180 Days
Capital Recovery Fee:		Issued By:
Fire Meter:		
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		
Sewer Impact:		
Fire Fee:		

**Denial - Building line
Fence constructed
in front of Building line
Ch 14 35.3D 1**

BOA201516.01

Fence





Post - 3-4 ft.

Rail on inside
(Smooth side out)

CHAPTER 14

ZONING

35.3 FENCES IN RESIDENTIAL DISTRICTS

C. Setbacks.

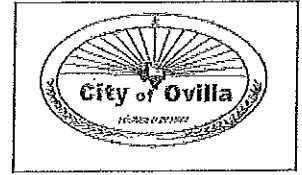
No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

D. Support and Rails.

I. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

(Ordinance 2010.015 adopted 8/9/10)

**INSTRUCTIONS FOR COMPLETING THE REQUEST FOR A
*SPECIAL EXCEPTION***



TO THE OVILLA BOARD OF ADJUSTMENT

ORDINANCE 2010.023

This instruction page is provided for your information and aid in filling out this **SPECIAL EXCEPTION** request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following three conditions must be found to exist by the Board of Adjustment in order for a **SPECIAL EXCEPTION** request to be granted. They are:

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and
2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and
3. That the **SPECIAL EXCEPTION** will be wholly compatible with the used and permitted development of adjacent properties.

Condition 1 requires that if the special exception is granted, it may not be against the public interest. "Public Interest" for **SPECIAL EXCEPTIONS** is defined as the well-being of the general public, with specific attention on those members of the public that could be directly affected by the proposed special exception.

Condition 2 requires that the enforcement of a zoning regulation causes an "unnecessary hardship." The hardship must be caused by the property itself, for reasons such as narrowness, shallowness, shape, topography or other physical conditions related to the property. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only, and must relate to the very property for which the **SPECIAL EXCEPTION** is sought.

Condition 3 requires that if the Board of Adjustment grants the **SPECIAL EXCEPTION** as requested, it will not grant a privilege in conflict with other provisions of the ordinance.

The burden of showing these three conditions is on the applicant/owner. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation. (All photos, documents, etc submitted will become part of the permanent file of the City of Ovilla.)

All three conditions are required to be met in order for the board of adjustments to grant your special exception. Failure to state how your **SPECIAL EXCEPTION** request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.

DATE: OCT. 7-2015
Case No. BOA 201516.01

REQUEST FOR A SPECIAL EXECPTION

To the
OVILLA BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 11

Property Address 101 Pebble Ridge
Ovilla Texas

Block No. _____

Property Zoned RE

OWNER OF PROPERTY Tim & Lisa A Calhoun

APPLICANT same

SPECIAL EXCEPTION Fence constructed To Property Line



Case No. BOA 201516.01

The Applicant/Owner, CALHOON, of ELLIS County, requests that the Ovilla Board of Adjustment grant the following SPECIAL EXCEPTION to Article _____, Chapter 14, Section 35.3D of the Ovilla Zoning Ordinance. Please state in detail what type of SPECIAL EXCEPTION you are seeking, attach additional sheets if necessary.

seeking to construct A fence to the
property line.
Replacing existing fence.

Has a previous appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



Case No. BOA 201516.01

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

Please state in detail how the conditions necessary for the granting of a SPECIAL EXCEPTION have been met in this case. Attach additional sheets if necessary.

CONDITION 1: Requires that the use is specifically permitted under the ordinance and the requirements for such use are met; and

Yes / Fence

CONDITION 2: Requires that the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

Yes

CONDITION 3: Requires that the SPECIAL EXCEPTION will be wholly compatible with the used and permitted development of adjacent properties.

Yes / Fencing Property

All three conditions are required to be met in order for the Board of Adjustment to grant your SPECIAL EXCEPTION. Failure to state how your SPECIAL EXCEPTION request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.



Case No. BOA201516.01

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot plan
3. Completed all sections of the application

I authorize _____ of _____
(Applicant's agent) (Address)

_____, to represent me in this SPECIAL EXCEPTION request before the Board of Adjustment.
(Telephone)

Respectfully submitted:


Applicant/Owner Name Lisa + Tim Calhoun

Mailing Address 101 Pebble Ridge Ct.
Ovilla TX 75154

Telephone (Hm) 214-517-9671

Telephone (Wk) _____

Email monamie51@hotmail.com


Applicant's signature

10/7/2015
Date

NO APPLICATION MAY BE ACCEPTED BY MAIL, MESSENGER, OR FAX.

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

OFFICE USE ONLY	
DATE RECEIVED: <u>10/7/2015</u>	HEARING DATE: <u>11/16/2015</u>
APPROVED: _____	DENIED: _____
BOA CHAIRMAN SIGNATURE: _____	

Carol Richtsmeier, PL2
Jamie Hilburn, PL2
Barbara Betik, Vice-Chair, PL3
Stephanie Albright, PL4



Richard Ware, Jr., PL5
ALT- Jeanne Ham, PL6
ALT- Sandra Cawley, PL7
Mike Dooly, Code Enforcement

BOARD OF ADJUSTMENT

105 S. Cockrell Hill Road, Ovilla, Texas 75154

October 23, 2015

CERTIFIED MAIL 9414 7118 9956 3442 1006 13

William & Mary Gleason
204 Thorntree Dr.
Ovilla TX 75154

RE: BOA-201516.01
101 Pebble Ridge Ct.

Dear Property Owner:

An appeal to the Ovilla Board of Adjustment has been filed by Tim & Lisa Calhoun regarding their property at 101 Pebble Ridge Ct. This appeal, if approved, would permit Mr. & Mrs. Calhoun to construct a 3-rail, 6 ft. wooden fence on their property line, which City Ordinance does not allow. The applicants are requesting placement of this proposed fence at the same location as the existing fence.

The Ovilla Code of Ordinances, Chapter 14, Section 35.3.(C) & (D-1) FENCES IN RESIDENTIAL DISTRICTS
states:

(C.) **Setbacks.**

No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.


(D) **Support and Rails.**

1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

The Board of Adjustment may under certain conditions and safeguards, authorize the granting of this ***Special Exception*** as requested.

You are invited to a public hearing being held on **November 16, 2015 at 7:00 P.M.**, in the City Hall Council Chamber Room, 105 S. Cockrell Hill Road regarding this matter. The Board of Adjustment welcomes your views on this request, either in person, by letter, or by a duly authorized representative. This will aid the Board in determining the proper course of action.

Yours truly,


Mike Dooly
Code Enforcement
972.617.7262
mddooly@cityofovilla.org

We have no problem with this.
Bill and Mary Ann Gleason
204 Thorntree Dr.
Ovilla, Tx

MD/gm

Attachments: site plan & drawing of fence section(s) by applicant



**City of OVILLA Board of Adjustment
Findings of Fact for SPECIAL EXCEPTION**

Applicant: TIM/LISA CALHOUN
Address: 101 PEBBLE RIDGE CT.

Case Number: BOA201516.01

Upon giving public notice and conducting a public hearing on this **SPECIAL EXCEPTION** request in accordance with Chapter 14, Section 35.3 Fences in Residential Districts of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and		
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and		
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.		

All findings must be determined in the affirmative for the special exception to be granted.

BOA Members present, and upon a record vote of:

FOR AGAINST ABSTAIN

Member Jamie Hilburn			
Chair Barbara Betik			
Member Stephanie Albright			
Member Carol Richtsmeier			
Vice Chair Richard Ware			
Alt. Member Sandra Cawley			
Alt. Member Jeanne Ham			

TOTALS:

**FOR
AGAINST
ABSTAIN**

The special exception is hereby:

_____ **granted**

_____ **denied**

Presiding Officer of BOA

DATE

Attest:

Board Secretary

DATE

BOARD OF ADJUSTMENT

AGENDA ITEM NO: 2

November 16, 2015

ITEM 2. **BOA201516.02 - *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Mr. Ronald Kingsley for a residential special exception to construct a fence on/beyond the building line on his property at 211 Willow Creek Lane.

DISCUSSION/ACTION – Consideration of and action on requested ***Special Exception*** filed by Mr. Ronald Kingsley.

APPLICANT: Ronald Kingsley
LOCATION: 211 Willow Creek Lane.
ZONING: RC Residential

NOTICES: One public notice listed in the Waxahachie Daily Light; 16 certified letters mailed. The City Board Secretary has received 1 notice in support of the special exception and did not receive any notice in opposition.

APPLICANT'S PROPOSAL:

Applicant requests to construct fence on/beyond building line. (This is a replacement fence in the same location.)

DISCUSSION:

The Ovilla Code of Ordinances, Chapter 14, Section 35.3, **FENCES IN RESIDENTIAL DISTRICTS** states:

- (C) Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.
- (D) Support and Rails. 1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

BOARD DISCUSSION: The Board is allowed to grant a ***special exception*** based on the outcome of the *Findings of Fact*.

STAFF RECOMMENDATION: N/A

SAMPLE MOTION:

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO RONALD KINGSLEY AT 211 WILLOW CREEK LANE, TO BUILD A FENCE ON/BEYOND BUILDING LINE ON HIS PROPERTY, AS PRESENTED IN BOA201516.02."

City of Ovilla

Phone: (972) 617-7262

Fax: (972) 515-3221

105 S. Cockrell Hill Rd.

Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	5013	Valuation:	\$7,500.00
		Valuation w/land:	
Project Address: 211 WILLOW CREEK LANE			
Lot:	Subdivision:		
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____ PLUMBING/ELECTRICAL <input type="checkbox"/> FLATWORK <input type="checkbox"/> SPRINKLER <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> ACCESSORY BUILDING <input type="checkbox"/> FENCE <input type="checkbox"/>			
Proposed Use:		4' PIPE FENCE W/ SQUARE WIRE ATTACHED	
Description of Work:			
Area Square Feet:		Covered	
Living:	Garage:	Porch:	Total: Number of stories:

Name: RONNY KINGSLEY	Contact Person:
Address:	
Phone Number: 972-217-1937	Home Number Mobile Number:

General Contractor	Contact Person	Phone Number	Contractor License Number
J & M FENCING	JIMMY ANDROSE		
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: *Ronny Kingsley* Date: 10-19-15

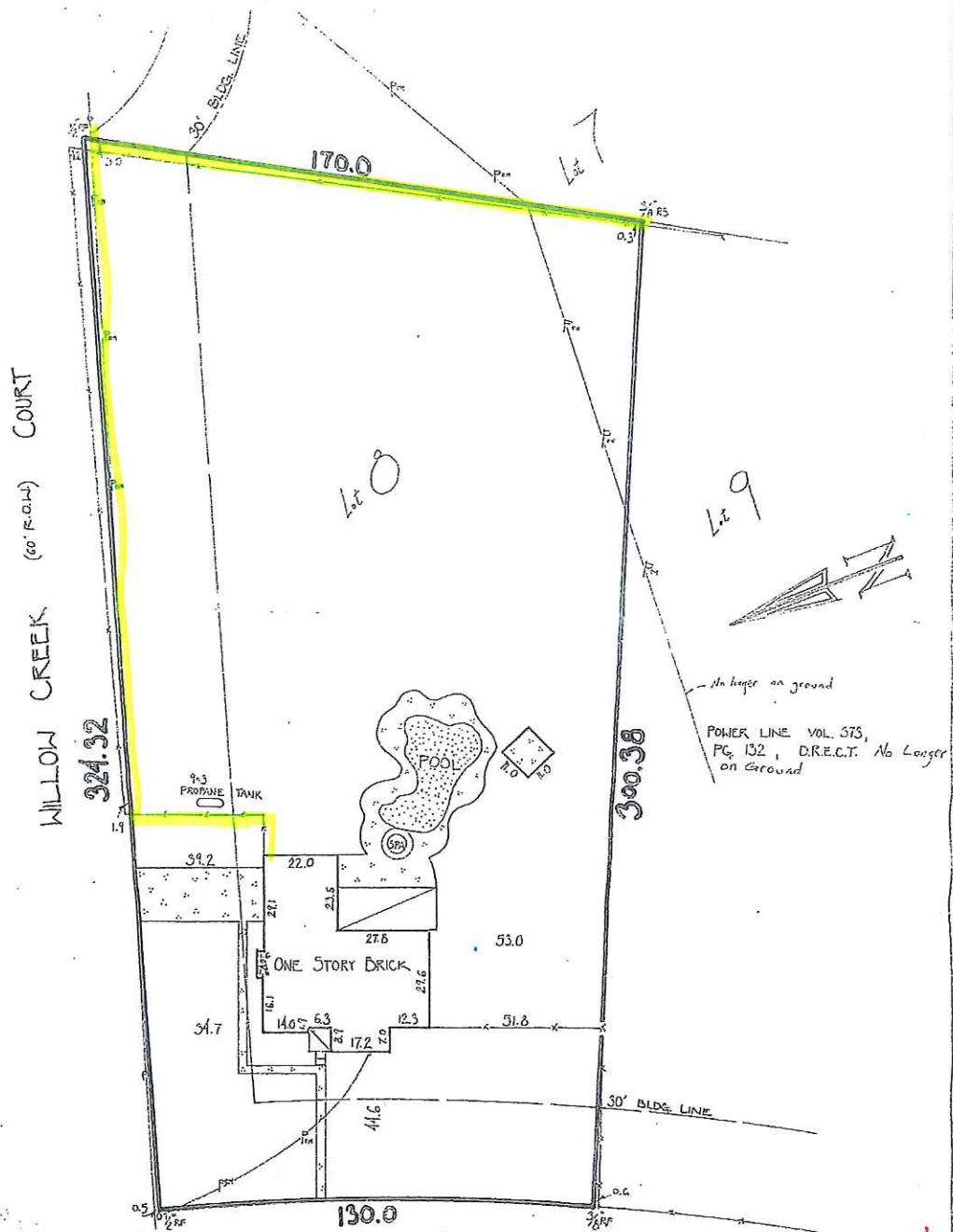
OFFICE USE ONLY:

Approved by:	Date approved:	
--------------	----------------	--

Plan Review Fee: _____	Receipt # _____	Total Fees: _____
Building Permit Fee: _____	Receipt # _____	Issued Date: _____
Park Impact Fee: _____		Expires: 180 Days
Capital Recovery Fee: _____		Issued By: _____
Fire Meter: _____		
Water Meter Cost: _____		
Water Impact: _____		
Sewer Connection Fee: _____		BV Project # _____
Sewer Impact: _____		
Fire Fee: _____		

*Denied to fence
constructed in front
of building line.
Chapter 14
35.3 D 1
moo*

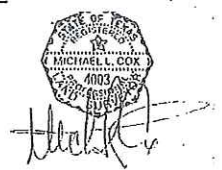
Plat No. 10186 Block No. 10
 of WILLOW CREEK SUBDIVISION ADDITION UNIT 1 an Addition to the
 City of CECILIA Texas, according to the map thereof
 recorded in Volume 9, PAGE 22, MAP CADRETT A, SLIDE 637, PLAT 86-0503 E.L.S. County, Texas
 The Property shown hereon is located in Zone C according to Community Panel Number
10-25 of the U.S. Department of Housing and Urban Development
 Flood Hazard Boundary Map Date 1-6-58



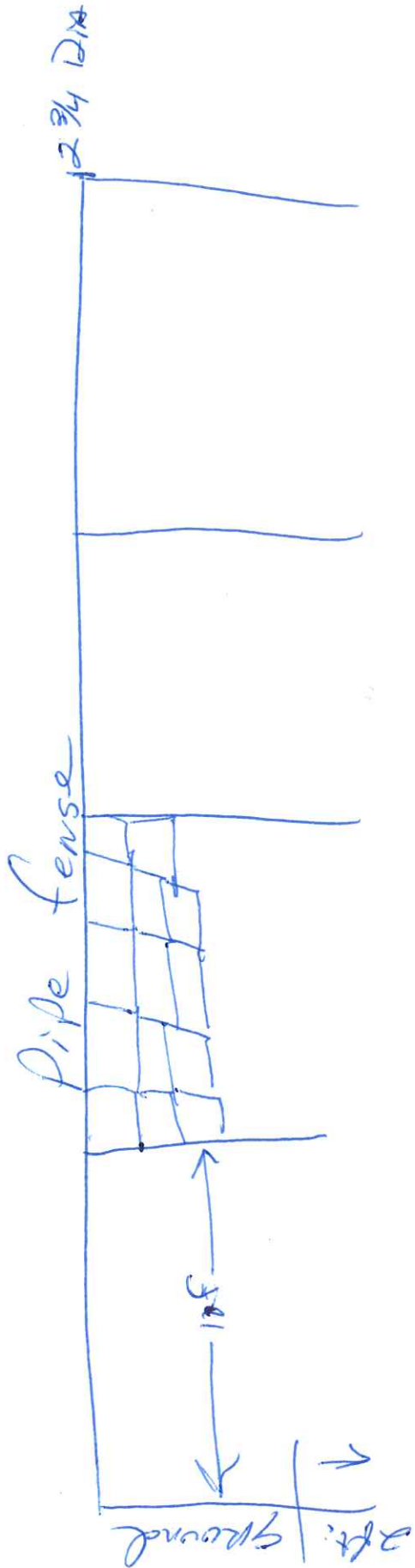
WILLOW CREEK (60' R.O.W.) LANE

This plat is a true, correct, and accurate representation of the property,
 as determined by an on the ground survey, with lines and dimensions of said
 property being indicated on the plat, the size and location of existing
 improvements are as shown.
 THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in
 CP No. 73E-40673 of TRINITY ABSTRACTS Title Co.
 JOB # 10186 DATE 7-25-93 SCALE 1" = 30'



BOA201516.D2



CHAPTER 14

ZONING

35.3 FENCES IN RESIDENTIAL DISTRICTS

C. Setbacks.

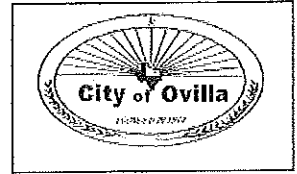
No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

D. Support and Rails.

I. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

(Ordinance 2010.015 adopted 8/9/10)

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR A ***SPECIAL EXCEPTION***



TO THE OVILLA BOARD OF ADJUSTMENT

ORDINANCE 2010.023

This instruction page is provided for your information and aid in filling out this ***SPECIAL EXCEPTION*** request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following three conditions must be found to exist by the Board of Adjustment in order for a ***SPECIAL EXCEPTION*** request to be granted. They are:

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and
2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and
3. That the ***SPECIAL EXCEPTION*** will be wholly compatible with the used and permitted development of adjacent properties.

Condition 1 requires that if the special exception is granted, it may not be against the public interest. "Public Interest" for ***SPECIAL EXCEPTIONS*** is defined as the well-being of the general public, with specific attention on those members of the public that could be directly affected by the proposed special exception.

Condition 2 requires that the enforcement of a zoning regulation causes an "unnecessary hardship." The hardship must be caused by the property itself, for reasons such as narrowness, shallowness, shape, topography or other physical conditions related to the property. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only, and must relate to the very property for which the ***SPECIAL EXCEPTION*** is sought.

Condition 3 requires that if the Board of Adjustment grants the ***SPECIAL EXCEPTION*** as requested, it will not grant a privilege in conflict with other provisions of the ordinance.

The burden of showing these three conditions is on the applicant/owner. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation. (All photos, documents, etc submitted will become part of the permanent file of the City of Ovilla.)

All three conditions are required to be met in order for the board of adjustments to grant your special exception. Failure to state how your ***SPECIAL EXCEPTION*** request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.

DATE: 10.23.15

Case No. BOA201516.02

REQUEST FOR A SPECIAL EXECPTION

To the

OVILLA BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 8

Property Address 211 Willow Creek

Block No. C

Ovilla TX 75154

Property Zoned RC

OWNER OF PROPERTY Ronnie King'sley

APPLICANT same

SPECIAL EXCEPTION Fence Constructed to property Line



Case No. BOA201516.02

The Applicant/Owner, Ronny Kingsley, of Ellis County, requests that the Ovilla Board of Adjustment grant the following **SPECIAL EXCEPTION** to Article _____, Chapter 14, Section 35.3 D of the Ovilla Zoning Ordinance. Please state in detail what type of **SPECIAL EXCEPTION** you are seeking, attach additional sheets if necessary.

<p>Fences D. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment.</p> <p>Replace existing fence.</p>
--

Has a previous appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



Case No. BOA 201516.02

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot plan
3. Completed all sections of the application

I authorize _____ of _____,
(Applicant's agent) (Address)

_____ to represent me in this **SPECIAL EXCEPTION** request before the Board of
Adjustment.
(Telephone)

Respectfully submitted:

Applicant/Owner Name Ronald Kingsley

Mailing Address 211 Willow Creek
Ovilla TX 75154

Telephone (Hm) 972-217-1937

Telephone (Wk) _____

Email RKingsley13a@SBCglobal.net

Ronald A. Kingsley

Applicant's signature

_____ Date

NO APPLICATION MAY BE ACCEPTED BY MAIL, MESSENGER, OR FAX.

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

OFFICE USE ONLY	
DATE RECEIVED: _____	HEARING DATE: _____
APPROVED: _____	DENIED: _____
BOA CHAIRMAN SIGNATURE: _____	

Case No. BOA 201516.02

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

Please state in detail how the conditions necessary for the granting of a SPECIAL EXCEPTION have been met in this case. Attach additional sheets if necessary.

CONDITION 1: Requires that the use is specifically permitted under the ordinance and the requirements for such use are met; and

Fences are allowed in Residential Areas.

CONDITION 2: Requires that the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

yes

CONDITION 3: Requires that the SPECIAL EXCEPTION will be wholly compatible with the used and permitted development of adjacent properties.

yes

All three conditions are required to be met in order for the Board of Adjustment to grant your SPECIAL EXCEPTION. Failure to state how your SPECIAL EXCEPTION request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.



Glennell Miller

From: Mike Dooly
Sent: Thursday, October 29, 2015 1:41 PM
To: Glennell Miller
Subject: BOA

I received a phone call from Charles and Bettye Johnson 206 Willowcreek Court and they would like to voice their approval of the special exception requested by Mr.Kingsley.



**City of OVILLA Board of Adjustment
Findings of Fact for SPECIAL EXCEPTION**

Applicant: RONALD KINGSLEY
Address: 211 WILLOW CREEK LANE

Case Number: BOA201516.02

Upon giving public notice and conducting a public hearing on this ***SPECIAL EXCEPTION*** request in accordance with Chapter 14, Section 35.3 Fences in Residential Districts of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and		
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and		
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.		

All findings must be determined in the affirmative for the special exception to be granted.

BOA Members present, and upon a record vote of:

FOR AGAINST ABSTAIN

Member Jamie Hilburn			
Chair Barbara Betik			
Member Stephanie Albright			
Member Carol Richtsmeier			
Vice Chair Richard Ware			
Alt. Member Sandra Cawley			
Alt. Member Jeanne Ham			

TOTALS:

**FOR
AGAINST
ABSTAIN**

The special exception is hereby:

_____ **granted**

_____ **denied**

Presiding Officer of BOA

DATE

Attest:

Board Secretary

DATE