

AGENDA

Zoning Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
February 16, 2016

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 **Tuesday, February 16, 2016 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).

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

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA OCULTA.

PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCIÓN 30.07 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA VISIBLE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA VISIBLE.

Call to Order

Pledge of Allegiance

Comments, Presentations, Reports and/or Appointments

None

Consent Items

- Minutes of the January 19, 2016 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. **BOA201516.06 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 **CARPORTS**, filed by Mr. Nathan Archer for a variance to construct a carport on his property located at 212 Lariat Trail.

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

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

City of Ovilla

DISCUSSION/ACTION – Consideration of and action on requested *Variance* filed by Mr. Nathan Archer.

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 **February 16, 2016 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 12th day of February 2016 at 7:00 p.m.

Glenell Miller

Glenell Miller
Board Secretary



DATE OF POSTING: _____

2-12-16 **TIME:** _____

5:00

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.

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Chair Barbara Betik called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:05 p.m. with the following BOA members present, thus constituting a quorum:

Barbara Betik	Chair
Stephanie Albright	Board Member
Jamie Hilburn	Board Member
Sandra Cawley	Board Member (Alternate)

Absent: Carol Richtsmeier, Richard Ware and Jeanne Ham were noted absent.
Code Enforcement Officer Mike Dooly was present.

PL2 Hilburn called roll of all members present, thus declaring a quorum. The Pledge of Allegiance was led at this time. Chair Betik outlined the evening's agenda and briefed those present on board procedures.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

None

CONSENT ITEM

- Minutes of the November 16, 2015 BOA Meeting

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

PL4 Albright seconded the motion.

VOTE: The motion carried 4-0.

Carol Richtsmeier PL1, Richard Ware Vice Chair, and Jeanne Ham PL6 were noted absent.

PUBLIC HEARING

ITEM I. ***BOA201516.03 - Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.1 GENERALLY; filed by Mr. Ronald DeFord for a residential variance to construct a residential accessory building prior to the construction of the main dwelling, which is not allowed by Ordinance, on his property located at 800 Hosford Rd.

*****Chair Betik explained that BOA.03 and BOA.04 would be addressed together being the same applicant and property*****

Chair Betik read aloud the captioned request and opened the Public Hearing at 7:15 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 would like to build the accessory building prior to the main dwelling being built. The applicant would like to live in the accessory building while the rest of the main dwelling is being built.

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

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

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Officer Dooly also explained if approved through the BOA, then this case would go to the Planning and Zoning Commission for review and then on to the City Council. Officer Dooly also explained that this accessory building is intended as a garage and once the main structure was complete, the garage will be used for storage.

(Testimony that followed was under proper oath; Applicant)

Applicant, Ron DeFord explained that he and his wife own another home that they currently live in, and until it sells, they would like to build the garage/accessory building to store their belongings in to help “de-clutter” their home on the market, and after the sale of their current occupied home, they would like to live in the accessory building as they build the new home in Ovilla.

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

Archie Crow – 801 Hosford Rd. – spoke in favor of the future neighbor, and is looking forward to their arrival.

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

None

(Rebuttal or Final Comments:)

None

Chair Betik asked if City Hall had received any notices in favor or in opposition for this item. Sixteen (16) letters were mailed certified for notification and there were no responses received in opposition or in favor.

Chair Betik closed the Public Hearings at 7:37 p.m.

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested **Variance filed by Mr. Ronald DeFord.**

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 Ronald DeFord at 800 Hosford Rd. for construction of an accessory building being built before the main dwelling exists as requested in BOA201516.03

PL4 Albright seconded the motion.

Record vote was called: *all being in favor of denial would vote “NAY”.*

Record Vote:

ALBRIGHT

NAY

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

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

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BETIK	<u>NAY</u>
HILBURN	<u>NAY</u>
WARE	<u>ABSENT</u>
HAM	<u>ABSENT</u>
CAWLEY	<u>NAY</u>
RICHTSMEIER	<u>ABSENT</u>

VOTE: The motion to deny carried 4-0.

Carol Richtsmeier PL1, Richard Ware Vice Chair, and Jeanne Ham PL6 were noted absent.

ITEM 2. *****At this time and due to the denial of his first appeal, the applicant requested to pull his second variance request, Item #2 - BOA201516.04 from the agenda for consideration*****

ITEM 3. ***BOA201516.05 - Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6, Table 30.A NUMBER AND SIZE OF ACCESSORY BUILDINGS; filed by Mr. Tom Foster for a residential variance to construct an accessory building in excess of the maximum allowed amount per Ordinance, on his property located at 1908 Duncanville Rd.

Chair Betik read aloud the captioned request and opened the Public Hearing at 7:56 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 applied for a variance on a 40 X 60, 2400 square foot building with 2 garage doors. He has an existing building that is 12,375 square foot used for an arena. The additional accessory building will house feed, equipment and animals. There is an existing temporary building that will be taken down if variance is allowed.

(Testimony that followed was under proper oath; Applicant)

Applicant Tom Foster explained that the additional square footage was needed for storage of equipment used for upkeep of his arena and property. Mr. Foster intended to include stalls to house the horses and all of their feed. He explained how the property used to be an "eyesore" and how much pride they have in their property, and how cleaned up it now is. Applicant presented photos of upgrades to the property. He explained that the new building will have stone side and front that will match the home.

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

None

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

Gary Weaver – 1900 S. Duncanville Rd. /PO Box 1687 Cedar Hill - Mr. Weaver wanted to start by explaining how angry he was regarding this variance coming before the BOA as well as the arena, that in his opinion, should not have been approved in 2014. His complaints were as follows:

a.) Explained that Mr. Foster said Staff gave Mr. Foster personal information

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-
- b.) Staff did not send his letter to the correct address on last building's notice.
 - c.) Area smells terrible, and is infested with rats and snakes.
 - d.) Strongly opposes. He believes that the whole area is very harmful to all neighbors that he talked to regarding this recent request.

Mr. Weaver read a letter from Mr. Martinez, a neighbor voicing opposition. He also said staff should have received a letter from Mr. McClure, another neighbor supposedly in opposition. Mr. Weaver also addressed the Land Use Table and property lines stating this request was unfair and unjust, and if BOA allowed this to be approved, they would not be doing their job.

(Rebuttal or Final Comments:)

Applicant explained that Mr. Weaver never addressed any of these issues with him. Mr. Foster also explained he never heard opposition from any of the other neighbors.

Chair Betik asked if City Hall received any notices in favor or in opposition for this item. Thirteen (13) letters mailed certified and there was one response received from (Weaver) in opposition. No responses were received in favor.

Chair Betik closed the Public Hearings at 8:49 p.m.

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested Variance filed by Mr. Tom Foster

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

PL4 Albright moved that the BOA deny the variance to Mr. Foster at 1908 Duncanville Rd. to construct an accessory building as presented in BOA201516.04. PL4 Albright seconded the motion.

Record vote was called: *all being in favor of denial would vote "NAY".*

Record Vote:

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

VOTE: The motion to deny carried 3-1.

Carol Richtsmeier PL1, Richard Ware Vice Chair, and Jeanne Ham PL6 were noted absent.

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

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Zoning Board of Adjustments Requests for Future Items

N/A

Adjournment There being no further business, Chair Barbara Betik adjourned the meeting at 8:50 p.m.

Barbara Betik, Chair

ATTEST:

Glennell Miller, Board Secretary

Approved on February 16, 2016

Attachment: Facts of Findings Form (3)

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

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



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: RONALD DEFORD Case Number: BOA201516.03
Address: 800 HOSFORD RD

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14, Section 30.1 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
Member Jamie Hilburn		✓	
Chair Barbara Betik		✓	
Member Stephanie Albright		✓	
Alt. Member Sandra Cawley		✓	
Vice Chair Richard Ware		ABSENT	
Member Carol Richtsmeier		ABSENT	
Alt. Member Jeanne Ham		ABSENT	

TOTALS:

**0 FOR
4 AGAINST
0 ABSTAIN**

The variance is hereby: granted ✓ denied

Presiding Officer of BOA

Date

City or Board Secretary



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: RONALD DEFORD Case Number: BOA201516.04
Address: 800 HOSFORD RD

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14, Section 30.6 – TABLE 30.A 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
Member Jamie Hilburn			
Chair Barbara Betik			
Member Stephanie Albright			
Alt. Member Sandra Cawley			
Vice Chair Richard Ware			
Member Carol Richtsmeier			
Alt. Member Jeanne Ham			

TOTALS:

FOR
 AGAINST
 ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: TOM FOSTER Case Number: BOA201516.05
Address: 1908 DUNCANVILLE RD.

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14, Section 30.6 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
Member Jamie Hilburn		✓	
Chair Barbara Betik		✓	
Member Stephanie Albright		✓	
Alt. Member Sandra Cawley	✓		
Vice Chair Richard Ware		ABSENT	
Member Carol Richtsmeier		ABSENT	
Alt. Member Jeanne Ham		ABSENT	

TOTALS:

1 FOR
3 AGAINST
0 ABSTAIN

The variance is hereby: granted ✓ denied

Presiding Officer of BOA

Date

City or Board Secretary

BOARD OF ADJUSTMENT

AGENDA ITEM NO: 1

February 16, 2016

ITEM 1. **BOA201516.06 - *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS filed by Mr. Archer for a variance to construct a freestanding carport on his property at 212 Lariat Trail.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Mr. Nathan Archer.

APPLICANT: Nathan Archer
LOCATION: 212 Lariat Trail
ZONING: RE Residential

NOTICES: One public notice listed in the Waxahachie Daily Light; 14 certified letters mailed. City office has received no opposition notices.

APPLICANT'S PROPOSAL:

Applicant requests to construct a freestanding carport.

DISCUSSION:

The Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORT states:

(A) Prohibition. Freestanding carports are not permitted.

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

STAFF RECOMMENDATION: N/A

SAMPLE MOTION:

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO NATHAN ARCHER AT 212 LARIAT TRAIL, TO BUILD A CARPORT ON HIS PROPERTY, AS PRESENTED IN BOA201516.06."

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:	5111	Valuation:	\$1076
Project Address:	212 Lariat Trail		
Lot:	Subdivision:	Valuation w/land:	
Project Description:	<input type="checkbox"/> NEW SFR <input type="checkbox"/> PLUMBING/ELECTRICAL <input type="checkbox"/> SWIMMING POOL		
	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input checked="" type="checkbox"/> ACCESSORY BUILDING		
Proposed Use:	12x21x8.5		
Description of Work:	Carport		
Area Square Feet:	Covered	Total:	Number of stories:
Living:	Garage:	Porch:	1

Name:	Nathan Archer	Contact Person:	
Address:	212 Lariat Trail		
Phone Number:	972 217 9254	Home Number	Mobile Number: 972 415 2848

General Contractor	Contact Person	Phone Number	Contractor License Number
Atlas Blggs	Johnny Smithwick	972 230 9030	
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

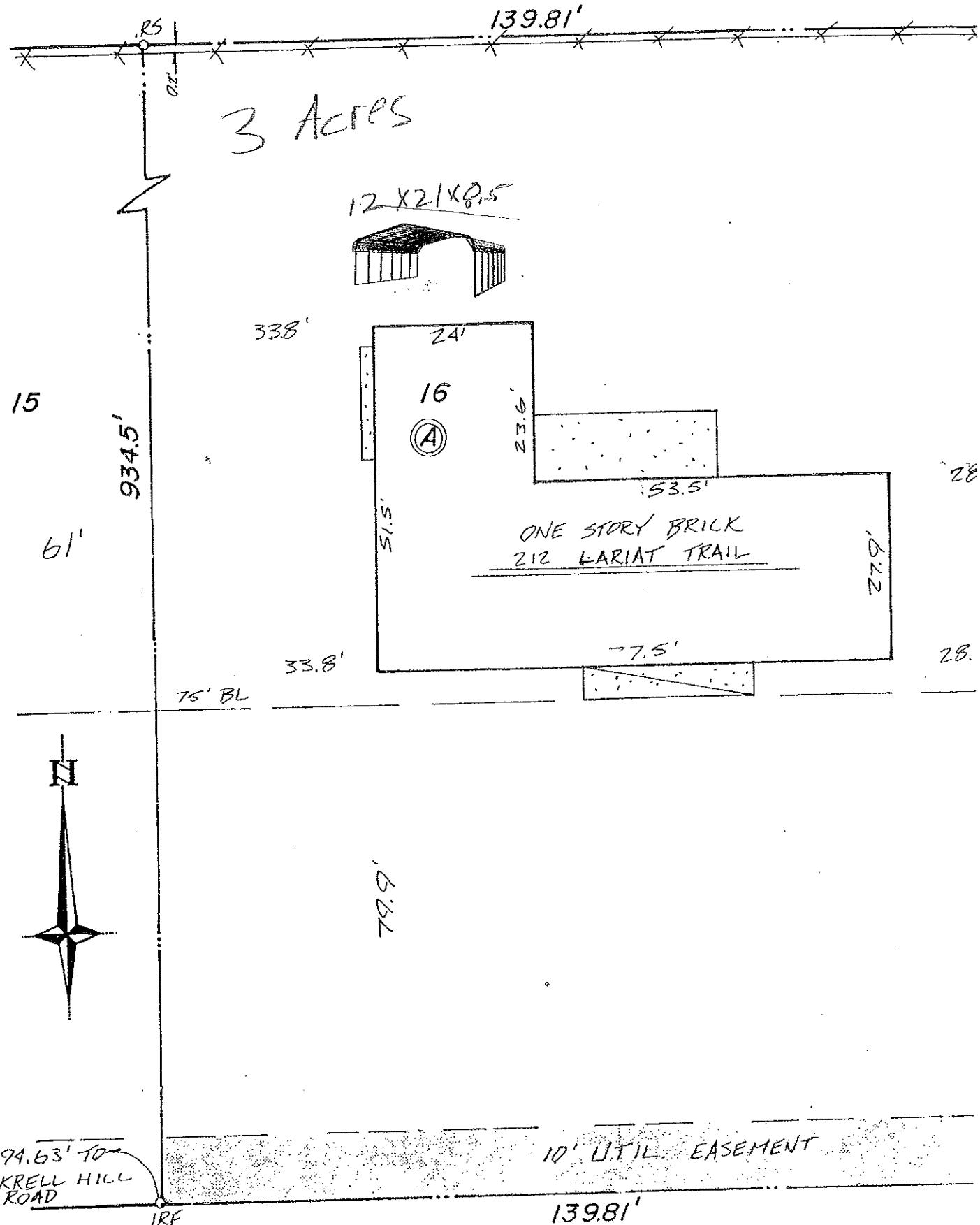
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel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

Signature of Applicant: Nathan Archer Date: 12-28-15

OFFICE USE ONLY:

Approved by:		Date approved:	
City Manager:		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:	<i>Variance Required.</i>		
Water Meter Cost:		BV Project #	
Water Impact:			
Sewer Connection Fee:			
Sewer Impact:			



BOA 2015 16.06

212
LARIAT TRAIL

CHAPTER 14

ZONING



30.8 CARPORTS

A. Prohibition. Freestanding carports are not permitted.



INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ZONING VARIANCE TO THE OVILLA BOARD OF ADJUSTMENT

Definition of Variance from the Ovilla Code of Ordinances adopted by Ordinance 2010.023

A variance is a relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.

Variance. To authorized upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that is cannot be appropriately developed without such modifications.

This instruction page is provided for your information and assistance in filling out this variance 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 conditions must be found to exist by the Board of Adjustment in order for a variance request to be granted. They are:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. That the special conditions and circumstances do not result from the action of the applicant;
4. The board shall further make a finding that the reason 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.
5. The Board of Adjustment 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.
6. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Case No. BOA 201516 . 06

CONDITIONS NECESSARY FOR GRANTING A VARIANCE



Ordinance 2010.023

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

TO BE EXPLAINED, DETAILED & COMPLETED BY APPLICANT

Condition 1: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

No

Condition 2: That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Yes

Condition 3: That the special conditions and circumstances do not result from the action of the applicant.

No

Condition 4: The board shall further make a finding that the reason 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.

Yes

Condition 5: The Board of Adjustment 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.



It is new and attractive

Condition 6: Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Carports are generally allowed.

The board shall further make a finding that the reason 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.

The Board of Adjustment 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.

Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The burden of showing these conditions is on the applicant. 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 conditions are required to be met in order for the board of adjustment to grant your variance. Failure to state how your variance request meets these conditions in your application will result in its return without being submitted to the board of adjustment.



Case No. BOA 201516.06

REQUEST FOR A VARIANCE

To the

OVILLA ZONING 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. 16

Property Address 212 Lariat Trail

Block No. A

Zoning RE

The Applicant, Nathan Archer, of Dallas County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 14, Chapter 30.8 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

30.8 A Prohibition - FREE standing car ports
ARE NOT ALLOWED.

City of Ovilla Code of Ordinance.

Variance to build detached carport
I want to park my vehicle there to protect it
from the elements.

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____



- Case No. BOA 201516.01

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/site plan
3. Completed all sections of the application

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

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

Respectfully submitted:

Applicant's Name

Nathan Archer
212 Lariat Trail

Telephone (Hm)

972 - 217 9254

Telephone (Wk)

972 415 2848

Email

narcher1@att.net

Applicant's signature

Nathan Archer

Date

1-4-16

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: 12/28/2016

- Case No. BOA 201516.06

OFFICE USE ONLY

DATE RECEIVED: _____ HEARING DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____





City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: NATHAN ARCHER Case Number: BOA201516.06
Address: 212 LARIAT TRAIL

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14; Section 30.8 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
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 variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary