

## **AGENDA**

**Zoning Board of Adjustment Meeting**  
**105 S. Cockrell Hill Road, Ovilla, Texas 75154**  
**AUGUST 15, 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 Monday, August 15, 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).**

### **Call to Order**

Pledge of Allegiance

### **Comments, Presentations, Reports and/or Appointments**

~ City Secretary to administer oaths for the Zoning Board of Adjustment ~

- Newly Appointed Member John Knight – PL2
- Returning member Sandra Cawley – PL4
- Newly Appointed Member Ozzie Molina – PL6 (alternate)
- Newly Appointed Member Stephanie Heimbuch – PL7 (alternate)

### **Consent Items**

*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 during this meeting.*

- Minutes of the May 16, 2016 BOA Meeting
- FY2016-2017 Meeting & Submission Deadline Calendar

### **Individual Consideration**

**ITEM 1.** **BOA201516.12 - 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. Mohomad Soueid for a special exception to construct a fence with posts/rails on the outside on his property located at 121 Robin Glen Ln.

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

**ITEM 2.** **DISCUSSION/ACTION – Consider nominations and appointment of Chair to the Board of Adjustment.**

**ITEM 3.** **DISCUSSION/ACTION** – Consider nominations and appointment of Vice-Chair to the Board of Adjustment.

**ITEM 4.** **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

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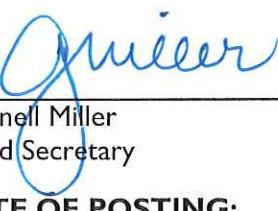
### **Zoning Board of Adjustment Requests for Future Items**

*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.*

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### **Adjournment**

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **August 15, 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 August 2016, prior to 5:00 p.m.

  
Glennell Miller  
Board Secretary

**DATE OF POSTING:** Aug 12, 2016 **TIME:** 3:30 **am/pm:** pm  
**DATE TAKEN DOWN:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ **am/pm:** 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 CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.

**CITY OF OVILLA MINUTES**  
**Tuesday, May 16, 2016**  
**Regular Board of Adjustment Meeting**

Chair Barbara Betik called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:00 p.m. with the following BOA members present, thus constituting a quorum:

Barbara Betik	Chair
Richard Ware	Vice Chair
Stephanie Albright	Board Member
Jamie Hilburn	Board Member
Carol Richtsmeier	Board Member
Sandra Cawley	Board Member

Absent: Jeanne Ham

Code Enforcement Officer Mike Dooly was present.

Vice Chair Ware called roll of 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 March 21, 2016 BOA Meeting

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

PL4 Albright seconded the motion.

***VOTE: The motion carried 6-0***

***Jeanne Ham PL6 was noted absent.***

**PUBLIC HEARING**

**ITEM I.** ***BOA201516.09 - Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT; filed by MS. Kimberly Tucker for a residential variance to construct a front facing accessory building on her property located at 306 Willow Creek.

***Chair Betik read aloud the captioned request and opened the Public Hearing at 7:07 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 will build the home first and then accessory building. The applicant wanted to pour the concrete for the accessory building at the same time they pour for the house. When the accessory building is built, it will be behind a privacy fence. The doors will be front facing due to the layout of the property, septic lines and driveway.

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

1

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

**CITY OF OVILLA MINUTES**  
**Tuesday, May 16, 2016**  
**Regular Board of Adjustment Meeting**

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**(Testimony that followed was under proper oath; Applicant)**

Applicant explained that the reasons for constructing the building with the front facing doors was due to the odd shaped lot. The house will sit 108 ft. off the road and the accessory building will be further back than the home. She reiterated that the building will be behind the privacy fence, many trees cover the lot and it is also a considerable distance from the neighbors.

**(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:)**

Clifford Irvin – 308 Willow Creek Ln. – concerned of business related activity, such as construction equipment, coming home to be stored. Also, he stated that others in the neighborhood do not have to front facing doors on their accessory buildings.

**(Rebuttal or Final Comments:)**

The applicant assured the board that none of the equipment used in her business comes to her home. Again stating the privacy fence and gate will hide most of the line of site to the building and said she is in agreement with Code Officer Dooly by saying that the septic makes it difficult for the area, and she is concerned she may lose use of property. Other consideration would be moving the building to the back of the property, but feels it would be too close to the creek and may have septic runoff which there are laws against, and the possible risk of mosquitos.

**Chair Betik asked if City Hall had received any notices in favor or in opposition for this item. Ten (10) letters were mailed certified for notification and there were no responses received in opposition or in favor.**

Chair Betik closed the Public Hearing at 7:33 p.m.

**INDIVIDUAL CONSIDERATION**

**DISCUSSION/ACTION – Consideration of requested **Variance** filed by MS. Kimberly Tucker.**

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 Kimberly Tucker at 306 Willow Creek for construction of a front facing accessory building as presented in BOA201516.09

PL4 Albright seconded the motion.

Record vote was called:

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

2

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

**CITY OF OVILLA MINUTES**  
**Tuesday, May 16, 2016**  
**Regular Board of Adjustment Meeting**

**Record Vote:**

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

***VOTE: The motion to deny carried 5-1.***

***Jeanne Ham PL6 was noted absent.***

**ITEM 2. BOA201516.10 - 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. Gary Thigpen for a residential special exception to construct a fence with post/rails on the outside of his property located at 105 Hummingbird Ln.

***Chair Betik read aloud the captioned request and opened the Public Hearing at 7:52 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 is going to repair his fence and will replace it the same way it was originally put up; with the poles and rails on the outside, smooth side in applicant's yard.

***(Testimony that followed was under proper oath; Applicant)***

Applicant explained that the appearance is better with the smooth side in and that surrounding neighbors have their fences facing the same way, (with the smooth side in) their yards as well.

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

Vince Caruth – 107 Hummingbird; neighbor, and is in support.

Dick Petit – 104 Hummingbird; neighbor, supports the fence and added that it looked nice.

***(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. Thirteen (13) letters were mailed certified for notification and there were no responses received in opposition or in favor.**

**Chair Betik closed the Public Hearing at 8:09 p.m.**

**CITY OF OVILLA MINUTES**  
**Tuesday, May 16, 2016**  
**Regular Board of Adjustment Meeting**

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**INDIVIDUAL CONSIDERATION**

**DISCUSSION/ACTION** – Consideration of requested **Special Exception** filed by Mr. Gary Thigpen.

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

PL2 Hilburn moved that the BOA APPROVE the special exception to Gary Thigpen at 105 Hummingbird Ln. for construction of a fence with posts/rails on the outside as presented in BOA201516.10.

PL4 Albright seconded the motion.

Record vote was called:

**Record Vote:**

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

***VOTE: The motion to deny carried 6-0.***

***Jeanne Ham PL6 was noted absent.***

**Zoning Board of Adjustments Requests for Future Items**

N/A

**Adjournment** There being no further business, Chair Barbara Betik adjourned the meeting at 8:14 p.m.

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Barbara Betik, Chair

ATTEST:

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Glennell Miller, Board Secretary

Attachment: Facts of Findings Form (1)

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

**Approved on August 15, 2016**

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: KIMBERLY TUCKER

Case Number: BOA201516.09

Address: 306 WILLOW CREEK

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14, Section 30.3; PLACEMENT 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.	✓	

BOA Members present, and upon a record vote to **DENY**:

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

TOTALS:

5 FOR  
1 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 SPECIAL EXCEPTION

Applicant: GARY THIGPEN Case Number: BOA201415.10  
Address: 105 HUMMINGBIRD LN.

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.	✓	

**BOA Members present, and upon a record vote of:**

FOR      AGAINST      ABSTAIN

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

**TOTALS:**

6      FOR  
     0      AGAINST  
     0      ABSTAIN

**The special exception is hereby:**

✓      granted      \_\_\_\_\_ denied

\_\_\_\_\_  
Presiding Officer of BOA

\_\_\_\_\_  
DATE

**Attest:**

\_\_\_\_\_  
City or Board Secretary

\_\_\_\_\_  
DATE

# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

### Item: 1

#### PUBLIC HEARING & DISCUSSION

Meeting Date: AUGUST 15, 2016

Reviewed By:  City Manager  City Secretary  Code Enforcement  
 Board Secretary

#### Attachments:

1. Permit Application
2. Survey
3. Special Exception Application
4. Findings of Fact

#### Agenda Item / Topic:

**ITEM 1.** **BOA201516.12 - 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. Mohomad Soueid for a special exception to construct a fence with posts/rails on the outside on his property located at 121 Robin Glen Ln.

**DISCUSSION/ACTION** – Consideration of requested **Special Exception** filed by Mr. Mohomad Soueid.

#### Discussion / Justification:

**APPLICANT:** Mohomad Soueid  
**LOCATION:** 121 Robin Glen Ln.  
**ZONING:** R22 Residential

**Applicant's Proposal:** Applicant requests to construct fence with the support rails/posts on the outside.

#### Discussion:

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

(D) **Support and Rails.** 2. Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence. (Ordinance 2010.015 adopted 08/09/10)

**BOARD DISCUSSION:** The Board is allowed to grant a **special exception** under certain circumstances & after review of the *Findings of Fact* form.

**NOTICES:** One public notice listed in the Waxahachie Daily Light; 18 certified letters mailed. There have been no responses in favor or in opposition.

#### Recommendation / Staff Comments:

None

#### Sample Motion(s):

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO MOHOMAD SOUEID AT 121 ROBIN GLEN LN, TO CONSTRUCT HIS FENCE WITH THE SUPPORT POSTS/RAILS ON THE OUTSIDE, ON HIS PROPERTY, AS PRESENTED IN BOA201516.12"**

# 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:	5230	Valuation:	\$15000.00
Project Address:	121 Robin Glen Ln.		
Lot:	11. B.E.	Subdivision:	Asbury Place
Project Description:	NEW SFR PLUMBING/ELECTRICAL SWIMMING POOL	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <input type="checkbox"/> SPRINKLER <input checked="" type="checkbox"/> FENCE
Proposed Use:			
Description of Work:	Replacing FENCE		
Area Square Feet:	Covered	Porch:	Total: _____ Number of stories: _____
Living:	_____	Garage:	_____

Name:	Mohamed Souci	Contact Person:	_____
Address:	121 Robin Glen Ln.		
Phone Number:	_____	Home Number	_____
		Mobile Number:	214 980 8060

General Contractor	Contact Person Mohamed Souci	Phone Number 214 980 8020	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.

**COPY**

Signature of Applicant:

Date:

6/23/16

### OFFICE USE ONLY:

Approved by:		Date approved:	_____
City Manager:		Date approved:	_____

Plan Review Fee: \_\_\_\_\_  
Building Permit Fee: \_\_\_\_\_  
Park Impact Fee: \_\_\_\_\_  
Capital Recovery Fee: \_\_\_\_\_  
Fire Meter: \_\_\_\_\_  
Water Meter Cost: \_\_\_\_\_  
Water Impact: \_\_\_\_\_  
Sewer Connection Fee: \_\_\_\_\_  
Sewer Impact: \_\_\_\_\_  
Fire Fee: \_\_\_\_\_

Receipt # \_\_\_\_\_  
Receipt # \_\_\_\_\_

**Total Fees:** \_\_\_\_\_

**Issued Date:** \_\_\_\_\_

**Expires:** 180 Days

**Issued By:** \_\_\_\_\_

*Denied - Poles and Rails  
on outside.*

*Variance Requested*

BV Project # \_\_\_\_\_

*BOA# 201516-12*

# BUILDING PERMIT

CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.

PERMIT NO.

No. 5230

Location 121 ROBIN GREN LN.

Description FENCE

Owner MOHAMAD SOUEID

Date 4/23/2016

This Permit To Be Posted In Conspicuous Place On Site

Building Inspector \_\_\_\_\_

COPY

BOA201516.12

<b>CASH RECEIPT</b>		Date <u>6-23-10</u>	<b>006137</b>
Received From	<u>Dwight</u>		
Address	<u>121 Robin Glen</u>		
For <u>BOA application</u>			
ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	<u>300</u>	CASH	<input checked="" type="checkbox"/>
AMT. PAID	<u>300</u>	CHECK	<input checked="" type="checkbox"/>
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	CREDIT CARD <input type="checkbox"/>
Dollars <u>300.00</u>			

**COPY**

BOA 201516.12

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

## TO THE OVILLA BOARD OF ADJUSTMENT

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### **Definition of *Special Exception* from Ovilla Codification Ord. 2010-023**

A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted as Special Exceptions by the Board of Adjustment, after a Public Hearing thereon.

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:

**Condition 1:** That the use is specifically permitted under the ordinance and the requirements for such use are met; and

**Condition 2:** That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

**Condition 3:** That the **SPECIAL EXCEPTION** will be wholly compatible with the use and permitted development of adjacent properties.

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 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.

BOA 201516.12

COPY



Case No. BOA 201516.11

REQUEST FOR A ~~VARIANCE~~

**SPECIAL EXCEPTION**

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. 11 Block. 0

Property Address 121 Robin Glen Ln.

Block No. E

Ovilla, TX 75149

Zoning R-22

The Applicant, Mohammed Soveid, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article \_\_\_\_\_, Chapter \_\_\_\_\_, Section \_\_\_\_\_ of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

*to put the pool out side.*

Has a previously appeal been filed on this property?

YES  NO

**COPY**

If YES, when was the previous appeal filed? \_\_\_\_\_

~~VARIANCE~~

**SPECIAL  
EXCEPTION**

Case No. BOA201516.12

The Applicant/Owner, MOHOMAD SOUEID, of ELLIS County, requests that the Ovilla Board of Adjustment grant the following SPECIAL EXCEPTION to Chapter 14, Section 35.3, Paragraph \_\_\_\_\_ of the Ovilla City Code. Please state in detail what type of SPECIAL EXCEPTION you are seeking, attach additional sheets if necessary.

TO PUT POLES ON OUTSIDE OF  
FENCE

Has a previous appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? \_\_\_\_\_



COPY

## CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXCEPTION

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

"IT HAS BEEN THAT WAY SINCE I  
BOUGHT IT!"

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

"IT WAS THIS WAY WHEN I PURCHASED  
THE PROPERTY, I WOULD LIKE TO KEEP  
IT THAT WAY!"

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

"OTHER HOMES ARE THE SAME WAY, POLES  
ON THE OUTSIDE"

*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.*



*COPY*



- Case No. BOA 201516.12

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 Mohammad Soueili

Mailing Address 121 Robin Glen Ln.  
Ovillle, TX 75154

Telephone (Hm) 2

Telephone (Wk) 214 980 8020

Email jonaya.soueili@yahoo.com

Moh. Soueili

6/23/16

Applicant's signature

Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

**COPY**

~~VARIANCE~~

**SPECIAL  
EXCEPTION**



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

Applicant: MOHOMAD SOUEID Case Number: BOA201516.12  
Address: 121 ROBIN GLEN LN.

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.		

BOA Members present, and upon a record vote of:

FOR      AGAINST      ABSTAIN

Member Carol Richtsmeier			
Chair Barbara Betik			
Member John Knight			
Member Sandra Cawley			
Vice Chair Richard Ware			
Alt. Member Ozzie Molina			
Alt. Member Stephanie Heimbuch			

TOTALS:

—      FOR  
—      AGAINST  
—      ABSTAIN

The special exception is hereby:

\_\_\_\_\_ granted      \_\_\_\_\_ denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE

# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

### Item: 2

#### DISCUSSION & ACTION

Meeting Date: AUGUST 15, 2016

##### Attachments:

- I. Refer to the attached pages 14A-120 through 14A-121 of the Ovilla Code of Ordinance Book

##### Agenda Item / Topic:

**ITEM 2. DISCUSSION/ACTION** – Consider nominations and appointment of Chair to the Zoning Board of Adjustment.

##### Discussion / Justification:

##### Discussion:

Chapter 14, Section 45.2 & 45.4, of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice chair. The chair and vice chair will serve for a term of one year or until a successor is appointed.

##### SAMPLE:

"I NOMINATE \_\_\_\_\_ TO SERVE AS CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."

- I. \_\_\_\_\_
2. \_\_\_\_\_

##### Recommendation / Staff Comments:

None

##### Sample Motion(s):

**"I MAKE A MOTION THAT THE BOA APPOINTS \_\_\_\_\_ AS CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."**

## Section 44 - Completion of Buildings Under Construction

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

## Section 45 - Zoning Board of Adjustment

### 45.1 ESTABLISHMENT

A. Composition. A Zoning Board of Adjustment is hereby established and shall consist of five regular members and two alternate members to be appointed by the City Council. Each member shall be appointed for a term of two years by the City Council. Alternate members shall serve in the absence of regular member(s) in keeping with rules and procedures adopted by the Zoning Board of Adjustment.

B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the city council for the unexpired term of the member affected.

C. Quorum. All cases to be heard by the Zoning Board of Adjustment must be heard by a minimum number of four members.

D. Cause for Removal. Cause for removal shall include missing more than two consecutive meetings or three meetings in any one twelve (12) month period or such other misconduct as the City Council may establish by resolution.

### 45.2 TERMS OF OFFICE

A. Terms. Each member shall serve a term of office of two years. After the expiration of a two year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the first Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the first Monday in June of each even-numbered year.

B. Places. The members of the Board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years.

### 45.3 PROCEDURE

#### A. Meetings.

1. The Board shall hold an organizational meeting on the first Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.

2. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.
3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

B. Minutes. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board, and which shall not become effective unless the Board has furnished a copy of the rules to the City Administrator.

C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.

D. Quorum. A quorum for the conduct of business shall consist of four members of the Board.

E. Misconduct. The members of the Board shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences or such other misconduct as the Council may specify by resolution shall constitute grounds for dismissal.

#### 45.4 OFFICERS

A. Duties. Duties of the officers shall be as follows:

1. The chair shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
2. The vice-chair shall assist the chair in directing the affairs of the Board and act in the absence of the chair.

B. Term. Officers will serve for a term of one year or until a successor is appointed.

#### 45.5 POWERS OF THE BOARD

The Zoning Board of Adjustment shall have the powers and exercise the duties of a Zoning Board of Adjustment in accordance with Section 211.008 of the Texas Local Government Code. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Zoning Board of Adjustment shall have the following powers and duties:

A. Interpretation. To render an interpretation of the zoning regulations or the manner of their application where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the administration of this ordinance. In reaching its decisions, the Board shall establish guidelines for future administrative action on like matters.

# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

### Item: 3

#### DISCUSSION & ACTION

Meeting Date: AUGUST 15, 2016

##### Attachments:

- I. Refer to the attached pages 14A-120 through 14A-121 of the Ovilla Code of Ordinance Book

##### Agenda Item / Topic:

**ITEM 3.** **DISCUSSION/ACTION** – Consider nominations and appointment of Vice Chair to the Zoning Board of Adjustment.

##### Discussion / Justification:

##### Discussion:

Chapter 14, Section 45.2 & 45.4, of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice chair. The chair and vice chair will serve for a term of one year or until a successor is appointed.

##### SAMPLE:

"I NOMINATE \_\_\_\_\_ TO SERVE AS VICE CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."

- \_\_\_\_\_
- \_\_\_\_\_

##### Recommendation / Staff Comments:

None

##### Sample Motion(s):

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# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

### Item: 4

#### DISCUSSION & ACTION

Meeting Date: AUGUST 15, 2016

Attachments:	
None	
	Agenda Item / Topic:
<b>ITEM 4.</b> DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.	
	Discussion / Justification:
N/A	
	Recommendation / Staff Comments:
N/A	
	Sample Motion(s):
N/A	