

AGENDA

**Zoning Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
SEPTEMBER 19, 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, September 19, 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

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 August 15, 2016 BOA Meeting

Individual Consideration

Tabled Items from the August 15, 2016, Regular BOA Meeting:

- ITEM 1.** **DISCUSSION/ACTION** – Consider nominations and appointment of Chair to the Board of Adjustment.

Consider motion to remove item from table.

Consider Action on Item.

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

Consider motion to remove item from table.

Consider Action on Item.

- ITEM 3.** **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.

Consider motion to remove item from table-

Consider Action on Item.

- ITEM 4.** **BOA201516.13 - 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. Carlos Flores for a special exception to construct a fence to the building line on his property located at 51 E W Banton 12.208 Acres (Malloy Rd).

DISCUSSION/ACTION – Consideration of and action on requested Special Exception filed by Mr. Carlos Flores.

- ITEM 5.** **BOA201516.14 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS, filed by Mr. Homero Rodriguez for a variance to construct detached carport on his property located at 109 Greenwood Dr.

DISCUSSION/ACTION – Consideration of and action on requested Variance filed by Mr. Homero Romero.

- ITEM 6.** **BOA201516.15 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6 NUMBER AND SIZE OF ACCESSORY BUILDINGS, filed by Mr. Homero Rodriguez for a variance to construct a detached carport over the allowed amount of square footage per lot size on his property located at 109 Greenwood Dr.

DISCUSSION/ACTION – Consideration of and action on requested Variance filed by Mr. Homero Romero.

- ITEM 7.** **DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.**

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 **September 19, 2016 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 16th day of September 2016, prior to 5:00 p.m.

Glennell Miller
Glennell Miller
Board Secretary

DATE OF POSTING: Sept. 16, 2016 **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 CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.

CITY OF OVILLA MINUTES
Monday, August 15, 2016
Regular Board of Adjustment Meeting

City Secretary administered oaths for the Zoning Board of Adjustment Prior to meeting

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
Sandra Cawley	Board Member
Carol Richtsmeier	Board Member
Stephanie Heimbuch	Board Member – Alt.
Ozzie Molina	Board Member – Alt.

Absent: Richard Ware

Code Enforcement Officer Mike Dooly was present.

PLI Richtsmeier 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

Returning member Sandra Cawley – PL4

Newly Appointed Member Ozzie Molina – PL6 (alternate)

Newly Appointed Member Stephanie Heimbuch – PL7 (alternate)

Newly Appointed Member John Knight – PL2 (ABSENT)

CONSENT ITEMS

- Minutes of the May 16, 2016 BOA Meeting
- FY Calendar of Meetings/Deadlines 2016-2017

PL7 Heimbuch made the motion that the BOA approve the consent items as presented.

PL6 Molina seconded the motion.

VOTE: The motion carried 5-0

Vice Chair Richard Ware PL5 was noted absent.

PUBLIC HEARING

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 of his property located at 121 Robin Glen Ln.

Chair Betik read aloud the captioned request and opened the Public Hearing at 7:10 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation that the fence was being constructed against the City's Ordinance, with poles/rails on the outside and the smooth side facing the applicant's yard. He instructed the applicant that he would need to cease

CITY OF OVILLA MINUTES
Monday, August 15, 2016
Regular Board of Adjustment Meeting

construction on the fence until a Special Exception could be filed and presented to the Board of Adjustment. Only then could a decision be made on the completion of his fence. Officer Dooly stated that the applicant was in attendance before the meeting had begun. Mr. Soueid received a phone call that there had been a medical emergency at his residence, and rushed out of the meeting. Mr. Dooly advised that he would feel more comfortable continuing with the applicant present, and suggested rescheduling to the next month's Board of Adjustment Meeting.

Chair Betik opened up the discussion at this time on how to proceed and called for a motion on the case.

PLI Richtsmeier made the motion that the BOA would *TABLE Item #1 - BOA 201516.12* until next regularly scheduled meeting, due to the extenuating circumstances as presented.

PL4 Cawley seconded the motion.

VOTE: The motion carried 5-0

Vice Chair Richard Ware PL5 was noted absent.

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.

Chair Betik read both allowed and board members discussed postponing until the full board was in attendance at the next regularly scheduled meeting. Chair Betik called for a motion;

PLI Richtsmeier made the motion that the BOA would *TABLE Items #2 and #3*, appointment of Chair and Vice Chair to the BOA, until the next regularly scheduled BOA meeting.

PL4 Cawley seconded the motion.

VOTE: The motion carried 5-0

Vice Chair Richard Ware PL5 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 7:17 p.m.

Barbara Betik, Chair

ATTEST:

Glennell Miller, Board Secretary

Approved on September 19, 2016

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

*John Knight, BOA PL2
Sandra Cawley BOA PL4
Ozzie Molina, BOA PL6(Alternate)
Mike Dooly, Code Enforcement*

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION

Meeting Date: SEPTEMBER 19, 2016

Attachments:

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

Agenda Item / Topic:

ITEM I. DISCUSSION/ACTION - Consider nominations and appointment of Chair to the Board of Adjustment.

Discussion / Justification:

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.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

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

1. _____

2. _____

3. _____

ANY OTHER NOMINATIONS?

"I MAKE THE MOTION THAT THE COMMISSION 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: 2

DISCUSSION & ACTION

Meeting Date: SEPTEMBER 19, 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 Vice -Chair to the Board of Adjustment.

Discussion / Justification:

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.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

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

- _____
- _____
- _____

ANY OTHER NOMINATIONS?

"I MAKE THE MOTION THAT THE COMMISSION APPOINTS _____ AS VICE CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."

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

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Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

PUBLIC HEARING & DISCUSSION

Meeting Date: SEPTEMBER 19, 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 3. **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 and regular letters mailed. There have been 2 responses in opposition – none in favor.

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

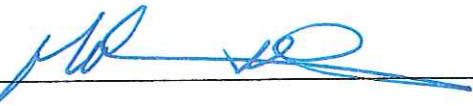
Building Permit Number:	5230	Valuation:	\$15000.00
Project Address:	121 Robin Glen Ln.		
Lot:	11. B.E.	Subdivision:	Asbury Glen
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: <input type="checkbox"/>
	PLUMBING/ELECTRICAL <input type="checkbox"/>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

Name:	Mohamed Soueid	Contact Person:	
Address:	121 Robin Glen Ln.		
Phone Number:		Home Number:	
		Mobile Number:	XXXXXX0806X

General Contractor	Contact Person	Phone Number	Contractor License Number
	Mohamed Soueid	XXXXXX0806XX	
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:

Receipt #

Total Fees:

Building Permit Fee:

Receipt #

Issued Date:

Park Impact Fee:

Expires: 180 Days

Capital Recovery Fee:

Issued By:

Fire Meter:

*Denied Poles and Rails
on outside.*

Water Meter Cost:

Water Impact:

Sewer Connection Fee:

Sewer Impact:

Fire Fee:

Variance Requested

BV Project #

BOA# 201516-12

BUILDING PERMIT

CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Boa20151e.12

Application No.

PERMIT NO.

No. 5230

Location 121 ROBIN GLEN LN.

Description FENCE

Owner MOHAMAD SOUEID

Date 6/23/2016

This Permit To Be Posted In Conspicuous Place On Site

Building Inspector _____

COPY

SURVEY PLATE

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at

121 Robin Lane, Inc., the record owner of the property located at

No. 121, Rutherford, Ontario, in the city of Galt,
as follows:

Lot No. 211 Went certain lot, tract no. one of land being part of

of Block II, Astoria, Oregon Block No. 5
Addition, an addition of the City of Astoria, Oregon

Texas, according to the map records recorded in Volume 6 at Page 100, 110 of the Plat Records of ELLIS COUNTY, Texas.

The plat is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of which are as follows:

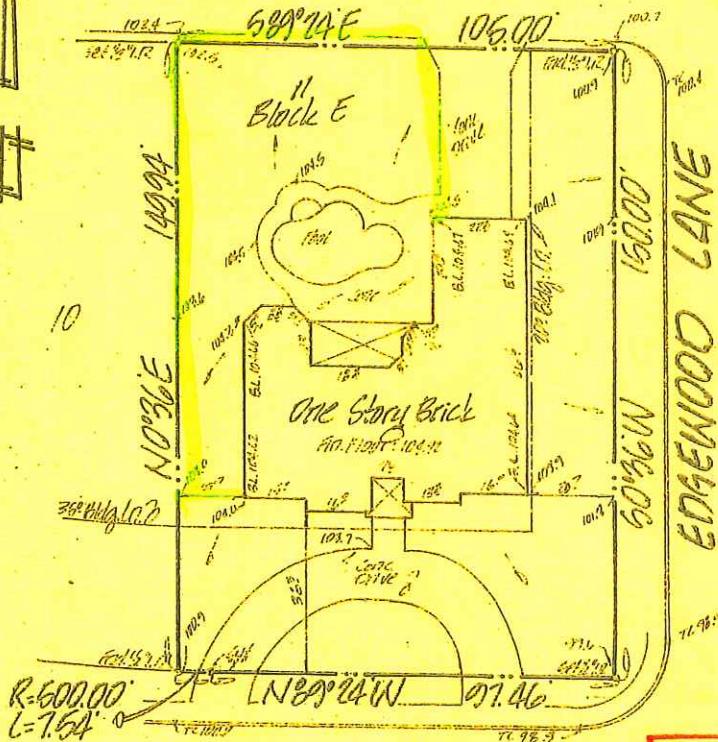
the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street, or road, is as shown on said plot.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT

Registered Professional Land Surveyor

Poles and Run's
on OUTSIDE.

ALLEY



COPY

NOTE: The following T.P.S.L. entries relate to staff except for the first:

1) Vol. 112, Pg. 175; Vol. 215, Pg. 324; Vol. 302, Pg. 302; Vol. 304, Pg. 678; Vol. 306, Pg. 21; Vol. 432, Pg. 11.

NOTE: This tract does not appear to be within a
designated 100% Flood Plain, per the
Flood Insurance Rate Map, Community
Parcel No. 48116 - 0005C - Map Revised
January 6, 1988, Zone C.

Fugate Surveying, Inc.

235 EAST BELT LINE ROAD
DE SOTO, TEXAS 75115
223-0740 FAX 230-0825

Scale 1" = 30' Date 10-19-78
Job No. 96-161

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



TO THE OVILLA BOARD OF ADJUSTMENT

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 Blk. 0

Property Address 121 Robin Glen Ln.

Block No. E

Ovilla, TX 75149

Zoning R-22

The Applicant, Mohamed 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**

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 Souail

Mailing Address

121 Robin Glen Ln.
Ovilla, TX 75154

Telephone (Hm)

2

Telephone (Wk)

XXXX-XXXX

Email

XXXXXXXXXXXX@XXXXXXXXXX

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**

From: Mike Lennington <mikelennington@att.net>
Sent: Thursday, August 11, 2016 9:14 AM
To: Glennell Miller
Subject: 121 Robin Glen Lane

I live across the street from the house at 121 Robin Glen Lane. I am getting ready to replace my fence and if you allow this appeal for having the posts and rails on the outside of the fence then this is exactly how I am going to rebuild my fence. If you're going to allow one exception then you might as well repeal the ordinance. By allowing this one exception you have open the door for everyone else in the addition to do the exact same thing without asking permission or for an exception to the ordinance. If his appeal is granted then I'm just going to go ahead and rebuild my fence with the posts and support rails on the outside and will not even ask permission because you will have already set the precedent for allowing it to be done. I will wait to start until after the hearing on the 15th , but we'll begin redoing my fence by the 20th in the post will be on the outside along with the support rails

Sent from my Verizon Wireless 4G LTE DROID

City of Orville - Board of Adjustment

Thank you for your notice of the
request for building fence - Address

121 Robin Glen

Robert & I (Belme) at 114 Robin Glen
oppose the request to place Post & rails
on the outside. This is very
uncouth from outside.

We believe everyone should
follow the rules of Orville, Code
of Ordinances as required. If
not what good are Ordinances.

Although there are many fences
with post & rails outside - they are
required to change when replaced

Sorry we are unable to attend
the meeting. Hope this letter is
sufficient -

I thank you,
Belme & Robert McCarlend
114 Robin Glen Lane
Orville, Ia 5154



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: 4

PUBLIC HEARING & DISCUSSION

Meeting Date: SEPTEMBER 19, 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 4. **BOA201516.13 - 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. Carlos Flores for a special exception to construct a fence to the building line on his property located at 51 E W Banton 12.208 Acres (Malloy Rd.).

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Mr. Carlos Flores.

Discussion / Justification:

APPLICANT: Carlos Flores
LOCATION: 51 E W Banton 12.208 Acres (Malloy Rd.)
ZONING: RC Residential

Applicant's Proposal: Applicant requests to construct fence to the building line.

Discussion:

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

(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. (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 and regular letters mailed. There have been no responses.

Recommendation / Staff Comments:

None

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO CARLOS FLORES AT 51 E W BANTON 12.208 ACRES (MALLOY RD.), TO CONSTRUCT HIS FENCE TO THE BUILDING LINE, ON HIS PROPERTY, AS PRESENTED IN BOA201516.13"

City of Ovilla

Phone: (972) 617-7262

Fax: (972) 515-3221

105 S. Cockrell Hill Rd.

Ovilla, Texas 75164

Residential Building Permit Application

Building Permit Number:	5313	Valuation:	
Project Address:	Malloy Rd		
Lot:	Subdivision:	Valuation w/land:	
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 checked="" type="checkbox"/>
Proposed Use:			
Description of Work:			
Area Square Feet:	Covered		
Living: _____	Garage: _____	Porch: _____	Total: _____ Number of stories: _____

Name: <u>Don Carlos Flores</u>	Contact Person: <u>Don Carlos Flores 214 288 4805</u>
Address: <u>5306 Pharrard Park</u>	<u>Dallas Tx 75236</u>
Phone Number: <u>214 288 4805</u>	Home Number <u>N/A</u> Mobile Number: <u>214 288 4805</u>

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: 

Date: 8-15-16

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: _____

Denied - building in front of building line.

MWJ

Water Meter Cost: _____

BV Project #: _____

Water Impact: _____

Sewer Connection Fee: _____

Sewer Impact: _____

Fire Fee: _____

BUILDING PERMIT

CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.

PERMIT NO.

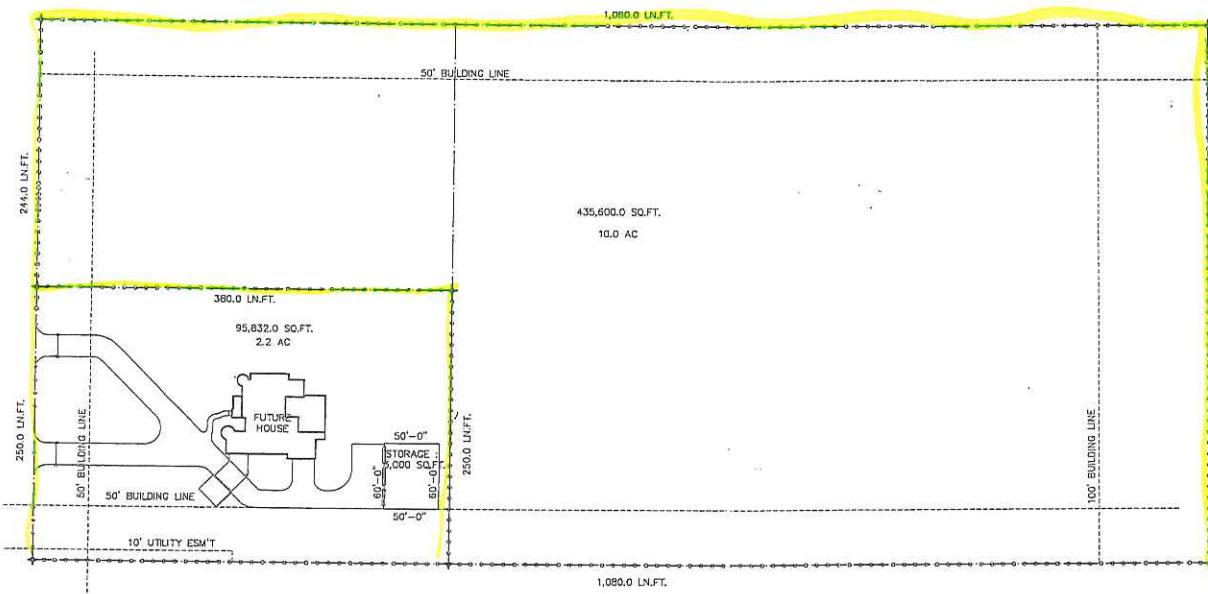
No. 5313

<u>Location</u>	MALLOY ROAD
<u>Description</u>	FENCE
<u>Owner</u>	FLORES
<u>Date</u>	

This Permit To Be Posted In Conspicuous Place On Site

Building Inspector _____

MALLOY RD.



SITE PLAN

SCALE : 1/64" = 1'-0"

 Martinez
Barrios

Tel.: 972-891-4100
Tel.: 972-871-2512
mailto:nezzu73@hotmail.com

GENERAL NOTES

1. THE GENERAL CONTRACTOR/ BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DRAWINGS AND CONDITIONS OF THESE PLANS/ DOCUMENTS AND SHALL

CHANGES PRIOR TO THE START OF CONSTITUTIONAL

RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE
NOT (E)QUALS1 VELY DETAILED OR FULLY SPECIFIC.

3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO MAKE SURE CONTRACTOR'S WORK IS ACCORDING TO THE CONTRACT.

1. ALL WORK PERFORMED ON THIS PROJECT SHALL BE

OR EXCEEDS THE CURRENT EDITION OF THE ICF, IBC,
BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL
ORDINANCES, CODE AND REGULATIONS.

5. IT IS THE REASONABILITY OF THE GENERAL
CONTRACTOR TO PAYMADE ALSO ENCLASING INDEX 16

TO THE STABILITY OF THE STRUCTURES OF THE PROJECT. FURTHERMORE IT RECOMMENDS THAT THIS IS MADE EASIER BY THE INTEGRATION OF A CRITICAL

PROFESSIONAL SKETCHES

SQUARE FOOTAGE

1. *What is the primary purpose of the study?*

—
—

¹ See, for example, the discussion in *Principles of Macroeconomics* (2007), by N. Gregory Mankiw, 4th ed., New York: Worth.



CHAPTER 14

ZONING

35.3 FENCES IN RESIDENTIAL DISTRICTS

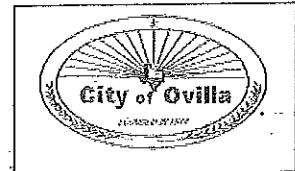
D. Support and Rails.

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.

(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.

Case No. BOA201516.13

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

construct a fence to the property line to allow for cattle to use the property.

Has a previous appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____



Case No. BOA 201516.13

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 *yes. Fences and agriculture*
use is allowed

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. Several properties*
are used for agriculture.

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.



DATE: 8-15-16
Case No. BOA 201516.13

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. 51 E W - Property Address Mallory Rd
Block No. BANTON
Property Zoned RC RBS.

OWNER OF PROPERTY Juan Carlos Flores

APPLICANT Juan Carlos Flores

SPECIAL EXCEPTION _____



Case No. BOA 201516.13

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 Jean Carly Flores

Mailing Address 5206 Pheasant Park

Dallas Tx 75236

Telephone (Hm) N/A

Telephone (Wk) XXX-288-4805

Email XXXXXXXXXXXXXX@XXXXXX



Applicant's signature

Date

8-15-16

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: _____



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

Applicant: JUAN CARLOS FLORES Case Number: BOA201516.13
Address: 51 E W BANTON 12.208 ACRES (MALLOY RD.)

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

AGENDA ITEM REPORT

Item: 5

PUBLIC HEARING & DISCUSSION

Meeting Date: SEPTEMBER 19, 2016

Reviewed By: City Manager City Secretary Code Enforcement
 Board Secretary

Attachments:

1. Permit Application
2. Survey
3. Variance Application
4. Findings of Fact

Agenda Item / Topic:

ITEM 5. **BOA201516.14 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 **CARPORTS**, filed by Mr. Homero Rodriguez for a variance to construct a detached carport on his property located at 109 Greenwood Dr.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Mr. Homero Rodriguez.

Discussion / Justification:

APPLICANT: Homero Rodriguez
LOCATION: 109 Greenwood Dr.
ZONING: RE Residential

Applicant's Proposal: Applicant requests to construct detached carport.

Discussion:

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

(A) **Prohibition.** Freestanding carports are not permitted.

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

NOTICES: One public notice listed in the Waxahachie Daily Light; 12 certified letters mailed. There have been no responses.

Recommendation / Staff Comments:

None

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO HOMERO RODRIGUEZ AT 109 GREENWOOD DR., TO CONSTRUCT DETACHED CARPORT, ON HIS PROPERTY, AS PRESENTED IN BOA201516.14"

City of Ovilla

Phone: (972) 617-7262

Fax: (972) 515-3221

105 S. Cockrell Hill Rd.

Ovilla, Texas 75154

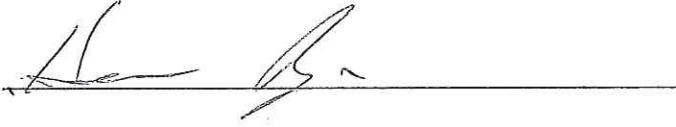
Residential Building Permit Application

Building Permit Number:	5246	Valuation:	12,900
Project Address:	109 Greenwood Dr.		
Lot:	17	Subdivision:	
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 type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <input type="checkbox"/> SPRINKLER <input type="checkbox"/> FENCE
Proposed Use:	PARK TRACK		
Description of Work:	26' x 26' Wood w/comp roof No Elec/Plumb		
Area Square Feet:	Covered	Porch:	Total:
Living:	<input checked="" type="checkbox"/>		Number of stories:

Name:	Rodriguez, Romero	Contact Person:	
Address:			
Phone Number:		Home Number	
			Mobile Number: 972-816-2792

General Contractor	Contact Person	Phone Number	Contractor License Number
ATLAS	MR. McPhee II	972-230-9830	
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: 

Date: 7-13-16

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: _____

DETACHED CARPORT

Water Meter Cost: _____

DENIED. NO DOG

BV Project #: _____

Water Impact: _____

OVER SQUARE FOOTAGE

Sewer Connection Fee: _____

ALLOWED.

Sewer Impact: _____

Fire Fee: _____

BUILDING PERMIT

CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.

PERMIT NO.

No. 5246

Location 109 GREENWOOD DR

Description CARPORT

Owner HOMERO RODRIGUEZ

Date

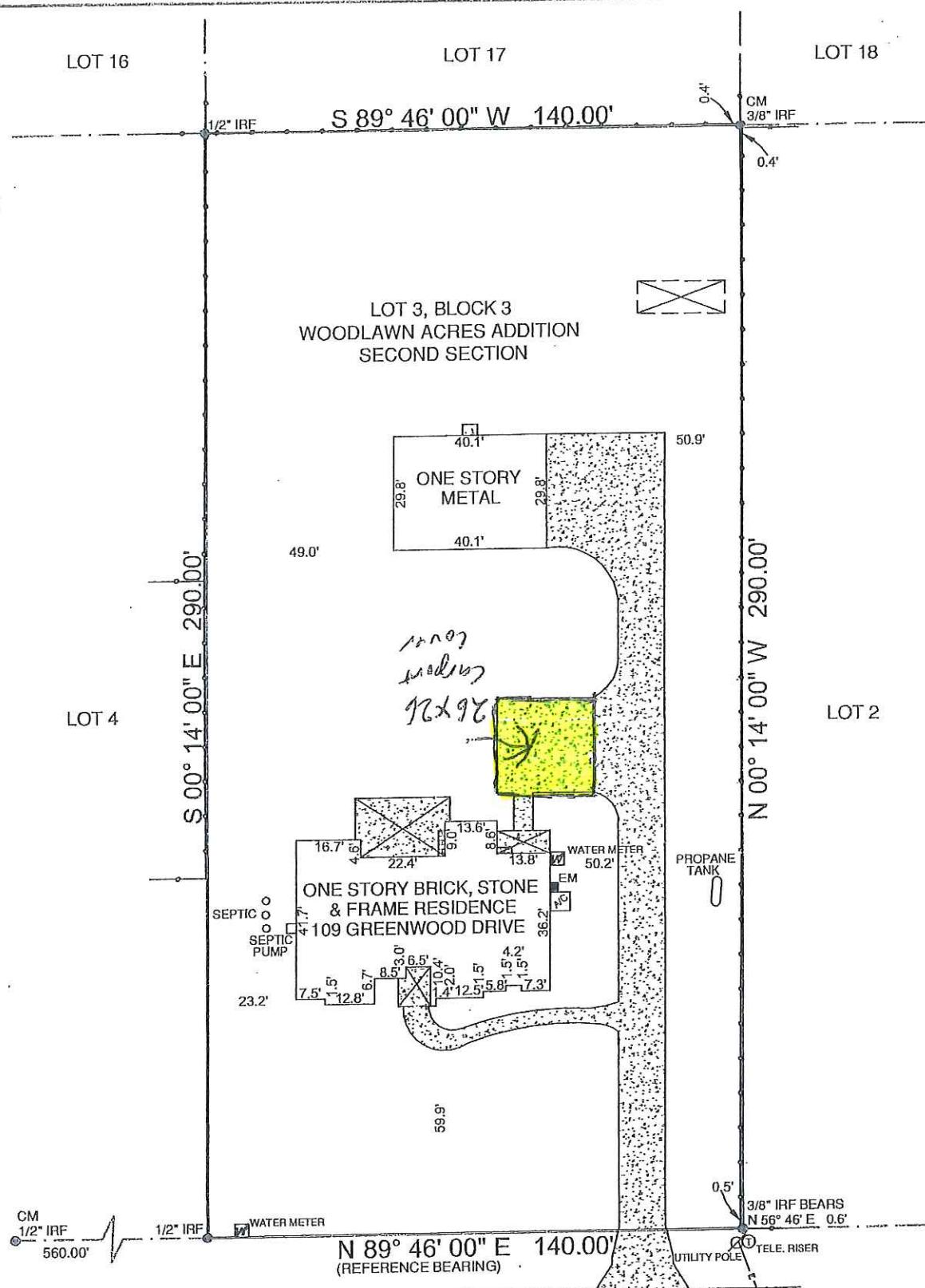
This Permit To Be Posted In Conspicuous Place On Site

Building Inspector _____

LOT 16

LOT 17

LOT 18



LEGEND:	
WIRE FENCE	ASPHALT
CHAINLINK FENCE	CONCRETE
WROUGHT IRON FENCE	GRAVEL
WOOD FENCE	TILE
VINYL FENCE	WOOD
ELECTRIC LINE	BRICK
GM - GAS METER	STONE
EM - ELECTRIC METER	
IPF - IRON PIPE FOUND	
IRF - IRON ROD FOUND	
IRS - IRON ROD SET	
CM - CONTROLLING MONUMENT (WOOD) RAILROAD TIE	

GREENWOOD DRIVE

(50' R.O.W.)

NOTES:
BEARINGS ARE BASED ON THE RECORDED PLAT.
THIS PROPERTY IS NOT AFFECTION BY THE FOLLOWING:
(10d)-EASEMENT, VOL. 557, PG. 981, D.R.E.C.T.

LEGAL DESCRIPTION:
BEING LOT 3, BLOCK 3, WOODLAWN ACRES ADDITION, SECOND SECTION, AN ADDITION TO THE CITY OF OVILLA, ELLIS COUNTY, TEXAS,
ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 502, PLAT RECORDS, ELLIS COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION:
THIS SURVEY WAS MADE ON THIS DATE A SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION THAT THE SURVEY REFLECTS A

GF. NO.	1511016
BORROWER	HOMERO RODRIGUEZ & ARMANDINA RODRIGUEZ
TECH	TAG
FIELD	SM

FLOOD INFORMATION:
THIS PROPERTY DOES NOT APPEAR TO BE

IN A FLOOD HAZARD ZONE.



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 2015 16.14



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.

Carport

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.

protection from the weather and for
the vehicle size

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

The special conditions

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.

Yes

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.

Right, - Yes

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 201516.14

REQUEST FOR A VARIANCE

To the

OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

89

COUNTY OF ELLIS

STATE OF TEXAS

5

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 3

Property Address 109 Green Wood

Block No. 3

Ovilla Tx

Zoning RE

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

I just built my new home here on Greenwood Rd, and am very happy with my new home, and my community. But at time, I didn't add a carport, which I find I now need for various reasons.

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____



- Case No. BOA 201516.14

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 STEPHEN FIEDLER of 101 GREENWOOD DR.
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name HOMERO RODRIGUEZ

Mailing Address 109 GREENWOOD DR

Telephone (Hm) XXXXXX

Telephone (Wk) XXXXXX

Email HRodriguez@XXXXXX

Hom R
Applicant's signature

9-7-16
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: HOMERO RODRIGUEZ
Address: 109 GREENWOOD DR.

Case Number: BOA201516.14

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.		

BOA Members present, and upon a record vote of:

FOR AGAINST ABSTAIN

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

TOTALS:

FOR
AGAINST
ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 6

PUBLIC HEARING & DISCUSSION

Meeting Date: SEPTEMBER 19, 2016

Reviewed By: City Manager City Secretary Code Enforcement
 Board Secretary

Attachments:

1. Permit Application
2. Survey
3. Variance Application
4. Findings of Fact

Agenda Item / Topic:

ITEM 6. **BOA201516.15 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6 NUMBER AND SIZE OF ACCESSORY BUILDINGS, filed by Mr. Homero Rodriguez for a variance to construct a detached carport over the allowed amount of square footage per lot size on his property located at 109 Greenwood Dr.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Mr. Homero Rodriguez.

Discussion / Justification:

APPLICANT: Homero Rodriguez
LOCATION: 109 Greenwood Dr.
ZONING: RE Residential

Applicant's Proposal: Applicant requests to construct detached carport over allowed amount of square footage per lot size.

Discussion:

The Ovilla Code of Ordinances, Chapter 14, Section 30.6, NUMBER AND SIZE OF ACCESSORY BUILDINGS states:

If property is at least 0.05 Acres, but less than 1.0 Acres, total square footage of all accessory buildings can be 3.0% of lot size or 700 feet, whichever is larger, but with a total square footage combined not to exceed 1,100 feet.

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

NOTICES: One public notice listed in the Waxahachie Daily Light; 12 certified letters mailed. There have been no responses.

Recommendation / Staff Comments:

None

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO HOMERO RODRIGUEZ AT 109 GREENWOOD DR., TO CONSTRUCT DETACHED CARPORT OVER THE ALLOWED AMOUNT OF SQUARE FOOTAGE PER LOT SIZE, ON HIS PROPERTY, AS PRESENTED IN BOA201516.15"

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:	5246			Valuation:	12,900
Project Address:	109 Greenwood Dr.			Valuation w/land:	
Lot:	17	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:	PARK TRUCK				
Description of Work:	26' x 26' Wood w/comp roof No Elec/Plumb				
Area Square Feet:					
Living:	Covered	Porch:	Total:	Number of stories:	
Garage:	<input checked="" type="checkbox"/>				

Name:	Rodriguez, Romero	Contact Person:	
Address:			
Phone Number:		Home Number	
		Mobile Number:	972-816-2792

General Contractor	Contact Person	Phone Number	Contractor License Number
ATLAS	Mrs. McDowell	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: 

Date: 7-13-16

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:	DETACHED CARPORT	Issued By:
Fire Meter:		
Water Meter Cost:	Denied. no do	
Water Impact:		
Sewer Connection Fee:	over 5000 square footage Allowed.	BV Project #
Sewer Impact:		
Fire Fee:		

BUILDING PERMIT

CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.
PERMIT NO.

No. **5246**

Location 109 GREENWOOD DR

Description CARPORT

Owner HOMERO RODRIGUEZ

Date

This Permit To Be Posted In Conspicuous Place On Site

Building Inspector _____

LOT 16

LOT 17

LOT 18

LOT 4

LOT 2

LOT 3, BLOCK 3
WOODLAWN ACRES ADDITION
SECOND SECTION

Site plan for 109 Greenwood Drive, showing dimensions and property lines. The property is 49.0' wide by 59.9' deep, with a total area of 140.00'. The building footprint is 29.8' wide by 40.1' deep. A green shaded area represents the footprint of the 'ONE STORY METAL' building. A yellow shaded area represents the footprint of the 'ONE STORY BRICK, STONE & FRAME RESIDENCE'. A water meter is located at the rear of the property. A utility line is shown running along the right side. Handwritten notes indicate '109 Greenwood' and '109x92'.

49.0' 59.9' 140.00'

29.8' 40.1' 29.8'

109 Greenwood

109x92

ONE STORY METAL

ONE STORY BRICK, STONE & FRAME RESIDENCE

109 GREENWOOD DRIVE

WATER METER 50.2' EM NG

16.7' 22.4' 13.6' 8.6' 13.8' 36.2'

7.5' 12.8' 8.5' 3' 6.5' 4' 12.5' 5.8' 7.3'

1.5' 1.5'

40.1'

50.2'

PRO T A

1 METER

N 89° 46' 00" E 140.00"

(REFERENCE BEARING)

UTIL

N 89° 46' 00" E 140.00
(REFERENCE BEARING)

GREENWOOD DRIVE

(50' R.O.W.)

LEGEND:

- X — WIRE FENCE
- O — CHAINLINK FENCE
- □ — WROUGHT IRON FENCE
- // — WOOD FENCE
- V — VINYL FENCE
- E — ELECTRIC LINE

GM = GAS METER
 EM = ELECTRIC METER
 IPE = IRON PIPE FOUND
 IRF = IRON ROD FOUND
 IRS = IRON ROD SET
 CM = CONTROLLING MONUMENT (WOOD)

ASPHALT =	
CONCRETE =	
GRAVEL =	
TILE =	
WOOD =	
BRICK =	
STONE =	
RAILROAD TIE =	

NOTES:
BEARINGS ARE BASED ON THE RECORDED PLAT.
THIS PROPERTY IS NOT AFFECTED BY THE FOLLOWING:
(10d)-EASEMENT, VOL. 557, PG. 981, D.R.E.C.T.

LEGAL DESCRIPTION:
BEING LOT 3, BLOCK 3, WOODLAWN ACRES ADDITION, SECOND SECTION, AN ADDITION TO THE CITY OF OVILLA, ELLIS COUNTY, TEXAS,
ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 502, PLAT RECORDS, ELLIS COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION:

... AND SO ON, UNDER MY QUESTIONING, THAT THE SURVEY REFLECTS A

GF. NO.	1511016
BORROWER	HOMERO RODRIGUEZ & ARMANDINA RODRIGUEZ
TECH	TAG
FIELD	SM

FLOOD INFORMATION:

Accessory bldgpermit
ACCESSORY BUILDING CHECKLIST

Date- 7-14-16
Owner- Rodriguez
Address- 109 Greenwood

1. PERMIT SIGNED BY PROPERTY OWNER Y N
2. Use of Building..... Park Truck
3. PLOT PLAN WITH SURVEY STAMP Y N
4. Building Material BRICK STONE HARDIPLANK WOOD OTHER
5. Roof Material - Comp
6. DOOR FACING 90' FROM FRONT OF PROP..... Y N
7. HEIGHT NO TALLER THAN MAIN DWELLING OR 25'..... Y N
8. LOCATION OF BUILDING
 - (a) 100 FT. FROM FRONT PROPERTY LINE .. Y N (b) 5 FEET FROM SIDE PROPERTY LINES Y N
9. Septic tank/Aerobic Sprinkler spray location.... Y N
10. ELECTRICITY.... Y
11. PLUMBING Y
12. NUMBER OF BUILDINGS ON PROPERTY, , ,
13. SIZE OF PROPERTY .932 acre 1100
14. TOTAL SQUARE FOOTAGE 1868 TOTAL SQUARE FOOTAGE ALLOWED 1217
15. VARIANCE REQUIRED Y N

APPROVED DENIED REASON

DATE NAME

Existing buildin 40x29.8 = 1192 sq ft

Proposed 26x26 = 676 sq ft

1868

Chapter 14

Page 1

30.8 One story Carport not allowed

CHAPTER 14

ZONING



30.6 NUMBER AND SIZE OF ACCESSORY BUILDINGS.

Table 30.A Number and Size of Accessory Buildings

Lot Size	Number of Accessory Buildings Permitted	Total Square Footage of All Accessory Buildings
At least 0.05 Acres, but less than 1.0 Acres	2	3.0% of lot size or 700 feet, whichever is larger, but with a total square footage combined not to exceed 1,100 feet.



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 201516.15



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.

Carport

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.

protection from the weather and for
the vehicle size

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

the special conditions

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.

Yes

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.

right, - Yes

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. BOA201516.15

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. 3 Property Address 109 Green Wood
Block No. 3 Ovilla TX
Zoning RE

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

I just built my new home here on Greenwood Rd, and am very happy with my new home, and my community. But at time, I didn't add a carport, which I find I now need for various reasons.

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____



• Case No. BOA 201516 .15

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 Stephen Freder of 104 Greenwood Dr, Ovilla, Texas, 75151
(Applicant's agent) (Address)

469-383-4410, to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

Applicant's Name Homero Rodriguez

Mailing Address 109 Greenwood Dr

Telephone (Hm) XXXXXXXXXXXXXX

Telephone (Wk) XXXXXXXXXXXXXX

Email XXXXXXXXXXXXXX@XXXXXXXXXX

Hom R 8-16-16

Applicant's signature

Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: 9/19/2016

• Case No. BOA 201516 .15

OFFICE USE ONLY

DATE RECEIVED: _____ HEARING DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____





City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: HOMERO RODRIGUEZ

Case Number: BOA201516.15

Address: 109 GREENWOOD DR.

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.		

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
Member John Knight			
Member Barbara Betik			
Member Carol Richtsmeier			
Member Sandra Cawley			
Member Richard Ware			
Alt. Member Ozzie Molina			
Alt. Member Stephanie Heimbuch			

TOTALS:

 FOR
 AGAINST
 ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 7

DISCUSSION & ACTION

Meeting Date: SEPTEMBER 19, 2016

Attachments:	
None	
Agenda Item / Topic:	
ITEM 7.	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	