

## **AGENDA**

Board of Adjustment Meeting  
105 S. Cockrell Hill Road, Ovilla, Texas 75154  
January 17, 2017

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**Pursuant to the provisions of Chapter 551 VTCA Government Code**, notice is hereby given of a **Regular Meeting** of the Board of Adjustment to be held on **Tuesday, January 17, 2017 at 7:00 P.M. at 105 S. Cockrell Hill Road, Ovilla, Texas, 75154** for the purpose of considering the listed item(s). *The Board of Adjustment of the City of Ovilla, Texas, reserves the right to meet in a closed session pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations).*

### **Call to Order**

♦ Pledge of Allegiance

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

♦ None

### **Consent Items**

♦ Minutes of the November 21, 2017 BOA Meeting

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

### **Individual Consideration**

**ITEM 1.**      **BOA201617.03 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Mr. Jose Perez for a residential variance to construct an accessory building with front facing door(s) on his property located at 203 Lariat Trail.  
**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Mr. Jose Perez.

**ITEM 2.**      **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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Chair, Carol Richtsmeier, PL1  
Ozzie Molina, PL2  
Barbara Betik, PL3  
Sandra Cawley, PL4

## City of Ovilla

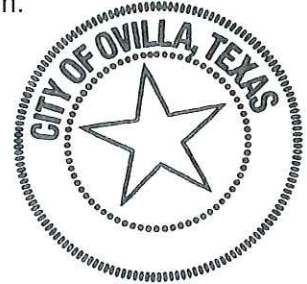
Vice Chair, Richard Ware, Jr. PL5  
ALT- Vacant PL6  
ALT- Stephanie Heimbuch, PL7  
Mike Dooly, Code Enforcement

### Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **January 17, 2017 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 13th day of January 2017, prior to 6:00 p.m.

  
\_\_\_\_\_  
Glennell Miller  
Board Secretary

**DATE OF POSTING:** Jan. 13, 2017 **TIME:** 3:30 pm  
**DATE TAKEN DOWN:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ am/pm



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

**CITY OF OVILLA MINUTES**  
**Monday, November 21, 2016**  
***Regular Board of Adjustment Meeting***

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:01 p.m. with the following BOA members present, thus constituting a quorum:

Barbara Betik	Board Member
Sandra Cawley	Board Member
Richard Ware	Board Member
Ozzie Molina	Board Member
Stephanie Heimbuch	Board Member – Alt.

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 Richtsmeier outlined the evening's agenda and briefed those present on board procedures.

**COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

Oath of Office was conducted for Ozzie Molina, newly appointed to Place 2.

**CONSENT ITEMS**

- Minutes of the October 17, 2016 BOA Meeting

Vice Chair Ware made the motion that the BOA approve the consent item as presented.

PL3 Betik seconded the motion.

***VOTE: The motion carried 5-0***

**Individual Consideration**  
**&**  
**PUBLIC HEARING**

**ITEM 1. BOA201617.01 - 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 Ms. Dana Watkins for a residential variance to construct a residential accessory building over allowed feet on her property located at 616 Georgetown Rd.

***Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:06 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 accessory building is over the allowed amount of feet per her lot. He let the board know that the applicant would only be using it for storage. The garage of the main dwelling is being used for storage and the homeowners would like to use it for parking their vehicles.

***Testimony that followed was under proper oath; Applicant's representative)***

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

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

**CITY OF OVILLA MINUTES**  
**Monday, November 21, 2016**  
***Regular Board of Adjustment Meeting***

Applicant, Dana Watkins shared that she moved to Ovilla in 2013 and explained it was only going to be temporary. She and her family love the area so much they have made Ovilla their home. Since it was not originally a permanent location, they have had storage in the garage and now would like to have their vehicles in the garage as intended. The additional accessory building is slightly over the allowed amount of feet, and she wants to be in compliance. The accessory building will be directly behind the main dwelling, and is 45 - 47 feet over the allowed amount. It will be used for storage only.

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

None

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

None

***(Rebuttal or Final Comments:)***

The City did receive one letter in favor of the variance from Philip Oakes @ 612 Georgetown.  
***The Public Hearing was closed at 7:15 p.m.***

**INDIVIDUAL CONSIDERATION**

***DISCUSSION/ACTION – Consideration of requested Variance filed by Ms. Dana Watkins.***

Vice Chair Ware read aloud the Findings-of-Fact. After much discussion, the Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a **positive** outcome.

PL3 Betik moved that the BOA **APPROVE** the Variance to Ms. Dana Watkins at 616 Georgetown Rd. for an accessory building to be constructed over the allowed amount of feet on her property as presented in BOA201617.01.

PL2 Molina seconded the motion.

Record vote was called:

**Record Vote:**

RICHTSMEIER	<u>AYE</u>
BETIK	<u>AYE</u>
CAWLEY	<u>AYE</u>
WARE	<u>AYE</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>present – no vote</u>

***VOTE: The motion to APPROVE carried 5-0.***

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

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

**CITY OF OVILLA MINUTES**  
**Monday, November 21, 2016**  
**Regular Board of Adjustment Meeting**

**ITEM 2. BOA201617.02 – Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Ms. Judy Williams for a special exception to construct a fence to the building line on her property located at 1930 Duncanville Rd.

***Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:18 p.m. (Testimony that followed was under proper oath; City Representative)***

Code Enforcement Officer Mike Dooly shared with the Board photos with the intent to show all other properties with their fences to their property lines. The city allows special exceptions in some cases particularly when the fence will be constructed in the front of the main dwelling. He pointed out that the only property in the neighborhood without a fence on the property line is the applicant.

***Testimony that followed was under proper oath; Applicant's representative)***

Applicant, Judy Williams shared she would like to have her fence on the property line to continue the same look/feel as the neighbor's property. The fence will be constructed mainly for safety purposes, as she explained she was robbed in the past and she has been waiting on the funds to do construct the fence.

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

None

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

None

***(Rebuttal or Final Comments:)***

The City did receive one letter in favor of the special exception from Frank & Betty Kinsey @ 1940 Duncanville Rd.

***The Public Hearing was closed at 7:24 p.m.***

**DISCUSSION/ACTION – Consideration** of requested **Special Exception** filed by Ms. Judy Williams.

Vice Chair Ware read aloud the Findings-of-Fact. After much discussion, the Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a **positive** outcome.

PL3 Betik moved that the BOA **APPROVE** the Special Exception to Ms. Judy Williams at 1930 Duncanville Rd. for fence to be constructed to the building line on her property as presented in BOA201617.02.

PL2 Molina seconded the motion.

Record vote was called:

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

3

Ozzle Molina, BOA PL2  
Sandra Cawley, BOA PL4  
Vacant, BOA PL6 (Alternate)  
Mike Dooly, Code Enforcement

**CITY OF OVILLA MINUTES**  
**Monday, November 21, 2016**  
***Regular Board of Adjustment Meeting***

**Record Vote:**

RICHTSMEIER	<u>AYE</u>
BETIK	<u>AYE</u>
CAWLEY	<u>AYE</u>
WARE	<u>AYE</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>present – no vote</u>

**VOTE: The motion to APPROVE carried 5-0.**

**ITEM 3.**      **Consideration** of any item(s) pulled from the Consent Agenda above for individual consideration and action.

None

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

The Board would like to hear feedback from Council on fences with smooth side out.

**Adjournment** There being no further business, Vice Chair Ware adjourned the meeting at 7:35 p.m.

\_\_\_\_\_  
Carol Richtsmeier, Chair

ATTEST:

\_\_\_\_\_  
Glennell Miller, Board Secretary

Approved on January 17, 2017



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

**Applicant:** DANA WATKINS  
**Address:** 616 GEORGETOWN RD.

**Case Number:** BOA201617.01

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
Chair Carol Richtsmeier	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Vice Chair Richard Ware	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	PRESENT NO VOTE		

**TOTALS:**                      5      **FOR**  
                                      0      **AGAINST**  
                                      0      **ABSTAIN**

The variance is hereby:        √   granted                                 denied

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Date





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

**Applicant: JUDY WILLIAMS**  
**Address: 1930 DUNCANVILLE RD**

**Case Number: BOA201617.02**

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

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

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

	FOR	AGAINST	ABSTAIN
Chair Carol Richtsmeier	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Vice Chair Richard Ware	AYE		
Alt. Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	PRESENT NO VOTE		

**TOTALS:**

5  
0  
0

**FOR  
AGAINST  
ABSTAIN**

**The special exception is hereby:**

✓ granted

                     denied

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

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**Board Secretary**

\_\_\_\_\_  
**DATE**





# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 1

### DISCUSSION & ACTION

Meeting Date: January 17, 2017

#### Attachments:

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

#### Agenda Item / Topic:

**ITEM 1.** BOA201617.03 – Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3, **PLACEMENT**, filed by Mr. Jose Perez for a variance to construct an accessory building with the main door facing front on his property at 203 Lariat Trail.

#### Discussion / Justification:

**APPLICANT:** Jose Perez  
**LOCATION:** 203 Lariat Trail  
**ZONING:** RE Residential

**Applicant's Proposal:** Applicant requests to construct an accessory building with the main door facing front.

#### Discussion:

**The Ovilla Code of Ordinances, Chapter 14, Section 30.3, **PLACEMENT**, states:**  
**(C) Angels.** The main opening or door of the residential accessory building must face at a ninety (90°) degree or one hundred and eighty (180°) degree angle from the front of the main building; provided however, that barn doors may face forward if [if] the barn is a minimum of two hundred (200') feet off the front lot line.

**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; 14 certified letters mailed. There have been no responses.

#### Recommendation / Staff Comments:

N/A

#### Sample Motion(s):

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JOSE PEREZ AT 203 LARIAT TRAIL, TO CONSTRUCT AN ACCESSORY BUILDING WITH THE MAIN DOOR(S) FACING FRONT, AS PRESENTED IN BOA201617.03."**

## Residential Building Permit Application

Building Permit Number: <u>5390</u>		Valuation: <u>10,000</u>	
Project Address: <u>203 Lariat Trl. Ovilla Tx. 75154</u>		Valuation w/land: _____	
Lot: <u>1 Acre</u>	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 checked="" type="checkbox"/>	FENCE <input type="checkbox"/>
Proposed Use: <u>Vehicle storage</u>			
Description of Work: _____			
Area Square Feet:	Garage: <u>792 sqft</u>	Covered Porch: _____	Total: _____
Living: _____	Number of stories: _____		

Homeowner's name: <u>Jose Luis Perez</u>			
Address: <u>203 Lariat Trl. Ovilla Tx. 75154</u>			
Phone Number: <u>214-405-1794</u>	Home Number: <u>N/A</u>	Mobile Number: <u>(214) 405-1794</u>	

General Contractor <u>self</u>	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.

**\*\*NOTE \*\*** While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: *Jose Luis Perez* Date: 12-1-14

## OFFICE USE ONLY:

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

Plan Review Fee: \_\_\_\_\_ Receipt # \_\_\_\_\_

Building Permit Fee: \_\_\_\_\_

Park Impact Fee: \_\_\_\_\_

Capital Recovery Fee: \_\_\_\_\_

Fire Meter: \_\_\_\_\_

Water Meter Cost: \_\_\_\_\_

Water Impact: \_\_\_\_\_

Sewer Connection Fee: \_\_\_\_\_

Sewer Impact: \_\_\_\_\_

Denied - Front Facing - Main Door

Variance Required. mDaw

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

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

Expires: 180 Days

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

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

BOA 201611-03



# BUILDING PERMIT

**CITY OF OVILLA**  
P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.  
**PERMIT NO.**

**No. 5390**

Location 203 LARIAT TRAIL

Description ACCESSORY BUILDING

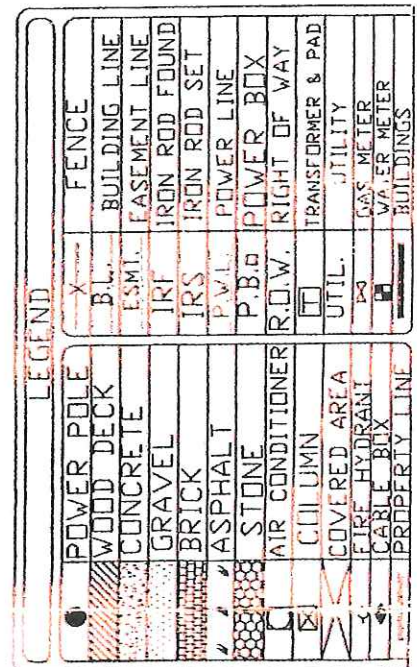
Owner PEREZ

Date

This Permit To Be Posted In Conspicuous Place On Site  
Building Inspector

COPY

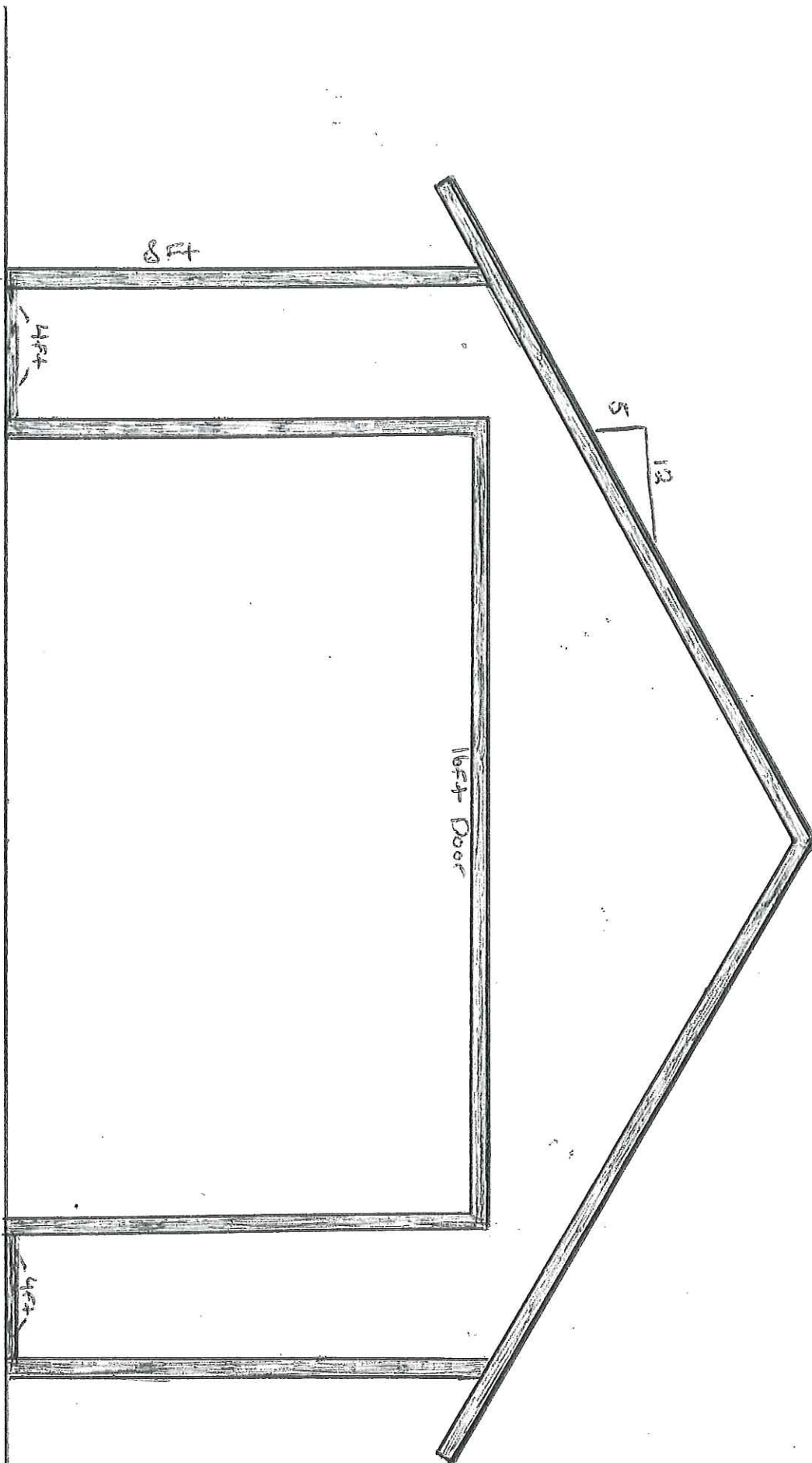
COPYRIGHT © DATE 10/24/14  
LOT 17, BLOCK B, OF WESTMORELAND  
ROAD ESTATES, NO.5, AN ADDITION  
TO THE CITY OF OVILLA, ELLIS  
COUNTY, TEXAS, ACCORDING TO THE  
MAP THEREOF RECORDED IN CABINET  
A, SLIDE 796, PLAT RECORDS, ELLIS  
COUNTY, TEXAS.



COPY

ACCEPTED BY:

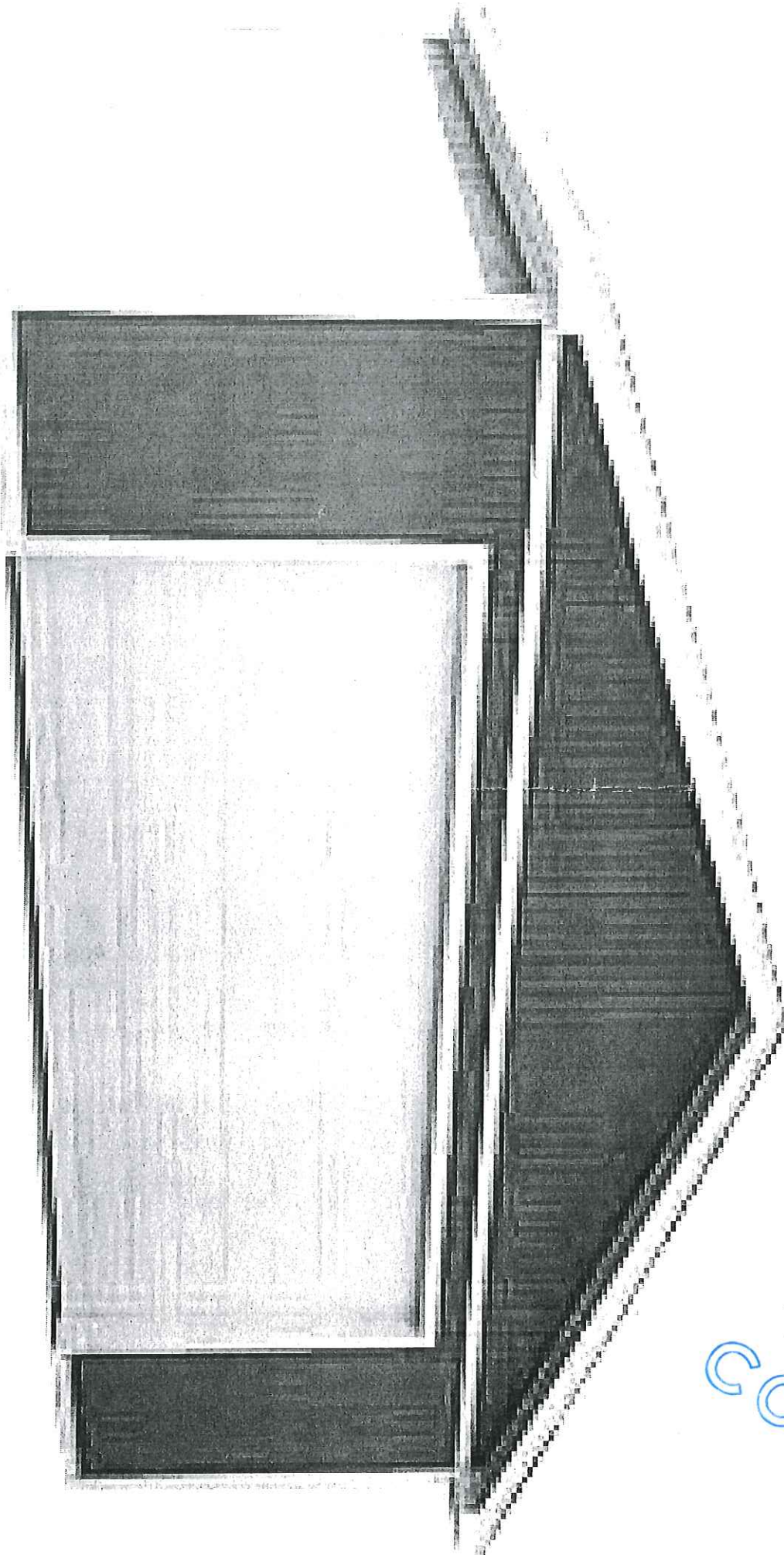
Jan L. Papp  
11-4-14



front

COPY





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## CHAPTER 14

### ZONING

#### Section 30 - Accessory and Residential Accessory Buildings

#### 30.3 PLACEMENT

C. Angles. The main opening or door of the residential accessory building must face at a ninety (90°) degree or one hundred and eighty (180°) degree angle from the front of the main building; provided however, that barn doors may face forward if the barn is a minimum of two hundred (200') feet off the front lot line.





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

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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 201617. 03



## 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.

Yes, the reason is that there is a tree and  
the septic tank lateral lines in the way

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

Yes

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

Yes

**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

BOA201617.03



**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.

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.

BOA 2016 17.03





Case No. BOA201617.03

## 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. 17 block B

Property Address 203 Lariat Trl. Ovilla

Block No. B

Tx. 75154

Zoning RE

The Applicant, Jose Perez, 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.

I want a front faced garage to drive my vehicles straight in from my driveway to keep them out of the weather, ~~is~~

Has a previously appeal been filed on this property?

YES / NO

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



• Case No. BDA201617.03

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 Jose Luis Perez

Mailing Address 203 Lariat Trl. Ovilla Tx. 75154

Telephone (Hm) (214) 405-1794

Telephone (Wk) "

Email JosePerez.j3844@gmail.com

Jose Luis Perez  
Applicant's signature

12-1-16  
Date

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

**APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON**



DATE: 12.1.2016

- Case No. BOA 201617.03

\*\*\*\*\*

OFFICE USE ONLY

DATE RECEIVED: 12.1.16 HEARING DATE: 1.17.2017

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

BOA CHAIRMAN SIGNATURE: \_\_\_\_\_





## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

**Applicant:** JOSE PEREZ      **Case Number:** BOA201617.03

**Address:** 203 LARIAT TRAIL

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14, Section 30.3 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
Chair Carol Richtsmeier			
Vice-Chair Richard Ware			
Member Barbara Betik			
Member Sandra Cawley			
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





# villa **Zoning Board of Adjustment**

## AGENDA ITEM REPORT

### Item: 2

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#### DISCUSSION & ACTION

Meeting Date: January 17, 2017

Attachments:	
None	
Agenda Item / Topic:	
<b>ITEM 2.</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	