

Chair, Carol Richtsmeier, PL1
Ozzie Molina, PL2
Barbara Betik, PL3
Sandra Cawley, PL4

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

City of Ovilla

AGENDA

Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
January 16, 2018

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 16, 2018 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

Consent Items

♦ Minutes of the October 16, 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. **BOA201718.03 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Melvin & Mary Baker for a residential variance to construct an accessory building that is not behind the rear plane of the main dwelling on his property located at 221 White Rock Ct.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Melvin & Mary Baker.

ITEM 2. **BOA201718.04 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Martin & Felicia Kemp for a residential variance to construct an accessory building that is not behind the rear plane of the main dwelling on his property located at 220 White Rock Ct.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Martin & Felicia Kemp.

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

Chair, Carol Richtsmeier, PL1
Ozzie Molina, PL2
Barbara Betik, PL3
Sandra Cawley, PL4

City of Ovilla

Vice Chair, Richard Ware, Jr. PL5
ALT- Paul Haney, PL6
ALT- Stephanie Heimbuch, PL7
Mike Dooley, Code Enforcement

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 **January 16, 2018 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 12th day of January 2018, prior to 6:00 p.m.

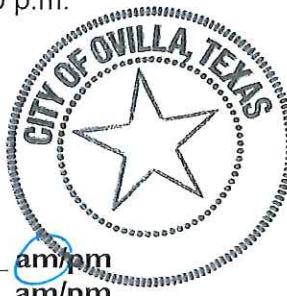
g. miller

Glennell Miller
Deputy City Secretary

DATE OF POSTING: JAN. 12, 2017

TIME: 10:00 **am/pm**

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
Tuesday, October 16, 2017
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:

Carol Richtsmeier	Board Member
Richard Ware	Board Member
Barbara Betik	Board Member
Sandra Cawley	Board Member
Ozzie Molina	Board Member

City Manager John Dean, Jr. and Code Enforcement Officer Mike Dooly were present. At this time Chair Richtsmeier asked Vice Chair Ware to call roll of members present. All Board members were in attendance, thus declaring a quorum. No Alternate members were expected or in attendance.

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

None

CONSENT ITEMS

- Minutes of the August 21, 2017 BOA Meeting
- Board of Adjustment Meeting Calendar FY 2017 - 2018

PL3 Betik made the motion that the BOA approve the consent items as presented.

PL2 Molina seconded the motion.

VOTE: The motion carried 5-0

Individual Consideration
&
PUBLIC HEARING

ITEM 1. DISCUSSION/ACTION - BOA201718.01 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS, filed by James Artis for a special exception to construct a fence to the building line on his property located at 507 Johnson Lane.

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 on the applicant's request. The previous owner's fence needs to be replaced due to it being dilapidated

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
Tuesday, October 16, 2017
Regular Board of Adjustment Meeting

and he described the fence to be a pipe fence that would not be beneficial to their needs. It is on the property line.

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

Applicant, James Artis shared that there are concerns for his pets and animals wandering away, therefore will need a fence and will have to replace the existing one due to it not being designed for their animals.

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

1. Penelope Larry – 489 Johnson Lane - Neighbor In support

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

None

(Rebuttal or Final Comments:)

None

The Public Hearing was closed at 7:18 p.m.

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested *Special Exception* filed by Mr. James Artis.

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 request for Mr. James Artis at 507 Johnson Lane for a special exception to construct a fence to the building line on his property as presented in BOA 201718.01.

Vice Chair Ware 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>

VOTE: The motion to APPROVE carried 5-0.

CITY OF OVILLA MINUTES
Tuesday, October 16, 2017
Regular Board of Adjustment Meeting

ITEM 2.

DISCUSSION/ACTION - BOA201718.02 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS, filed by Michael Hulsey for a variance to construct a fence with poles and rails facing the outside of his property located at 608 William Dr.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:23 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 applicant is requesting the fence that has already been constructed, stay in place as is with both sides and the back of the fence currently having poles and rails on the outside. The fence is visible from the road.

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

Applicant, Lisa Hulsey shared that they constructed the fence without a permit. The fence was also constructed with rails and poles on the outside on the sides and rear as many of their own neighbors, and many of the citizens of Ovilla have currently.

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

Blake Leppar, (contractor for the Hulsey's) – Custom Fencing – explained that the fence is stronger as built, with the poles & rails on the outside of the fence.

Mike Heimbuch – 613 William Drive – Neighbor in favor – stated the fence is an improvement to their neighborhood.

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

None

(Rebuttal or Final Comments:)

None

The Public Hearing was closed at 7:45 p.m.

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Lisa Hulsey.

Chair Richtsmeier re-opened the Public Hearing at 7:55 p.m. for additional questions:

There was much discussion between the Board members regarding the different ways the fence could be reconstructed and possibly permitted. The Board asked several additional questions of the applicant and the contractor as well as the City Code Officer Mike Dooly.

The Public Hearing was closed at 8:04 p.m.

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

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
Tuesday, October 16, 2017
Regular Board of Adjustment Meeting

PL3 Betik moved that the BOA **DENY** the Variance to Mr. & Mrs. Hulsey at 608 William Drive to construct a fence with the poles and rails on the outside on their property as presented in BOA 201718.02.

PL2 Molina seconded the motion.

Record vote was called: **AYE to DENY**

Record Vote:

RICHTSMEIER	<u>AYE</u>
BETIK	<u>AYE</u>
CAWLEY	<u>AYE</u>
WARE	<u>AYE</u>
MOLINA	<u>AYE</u>

VOTE: The motion to DENY 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

None

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 8:10 p.m.

Carol Richtsmeier, Chair

ATTEST:

Glennell Miller, Board Secretary

Approved on December 18, 2017

Attachment(s): *Findings-of-Fact (2)*



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

Applicant: JAMES ARTIS Case Number: BOA201718.01
Address: 507 JOHNSON LANE

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		
Vice Chair Richard Ware	AYE		
Member Ozzie Molina	AYE		
Member Sandra Cawley	AYE		
Member Barbara Betik	AYE		
Alt. Member Paul Haney	-		
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



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: MICHAEL HULSEY
Address: 608 WILLIAM DRIVE

Case Number: BOA201718.02

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 PLACEMENT of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

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

	FOR	AGAINST	ABSTAIN
Chair Carol Richtsmeier	AYE		
Vice-Chair Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	AYE		
Alt. Member Paul Haney	-		
Alt. Member Stephanie Heimbuch	-		

TOTALS:

5 FOR
0 AGAINST
0 ABSTAIN

The variance is hereby: granted / denied

Presiding Officer of BOA

Date

City or Board Secretary

Date

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION

Meeting Date: January 16, 2018

Attachments:

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

Agenda Item / Topic:

ITEM 1. BOA201718.03 – Public Hearing & Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT – filed by Melvin & Mary Baker for a residential variance to construct an accessory building that is not behind the rear plane of the main dwelling on their property located at 221 White Rock Ct.

Discussion / Justification:

APPLICANT: Melvin Baker

LOCATION: 221 White Rock Court

ZONING: R15 Residential

Applicant's Proposal: Applicant requests to construct an accessory building not located behind the rear plane of the home.

Discussion:

The Ovilla Code of Ordinances, Chapter 14 Section 30.3, PLACEMENT, states:

A. Front Setback.

1. A residential accessory building must be located completely behind the rear plane of the main dwelling.

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; 17 Certified letters mailed.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO MELVIN BAKER AT 221 WHITE ROCK COURT, TO CONSTRUCT AN ACCESSORY BUILDING THAT IS NOT BEHIND THE REAR PLANE OF THE MAIN DWELLING ON HIS PROPERTY AS PRESENTED IN BOA201718.03"

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:	5687	Valuation:	7,000
Zoning:	Residential		
Project Address:	221 White Rock Ct		
Lot:	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 checked="" type="checkbox"/> FENCE
Proposed Use:	20 x 20 Storage Shed		
Description of Work:			
Area Square Feet:	Covered	Porch:	Total:
Living:	Garage:	Porch:	Total:
Number of stories:			

Homeowner's name:	Melvin & Mary Baker
Address:	221 White Rock Ct
Contact Number:	214-476-6379

General Contractor	Contact Person	Phone Number	Contractor License Number
First Texas Homes	Stewart Perry	682-970-8991	
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
	Jerry Beck		
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: Melvin Baker

Date: 11/8/17

OFFICE USE ONLY:

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

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

Receipt # _____

Total Fees: _____

Issued Date: _____

Expires: 180 Days

Issued By: _____

*All construction to be on
permitted property only*

50m x 40m

3487 ac.

Placement 2. Don't

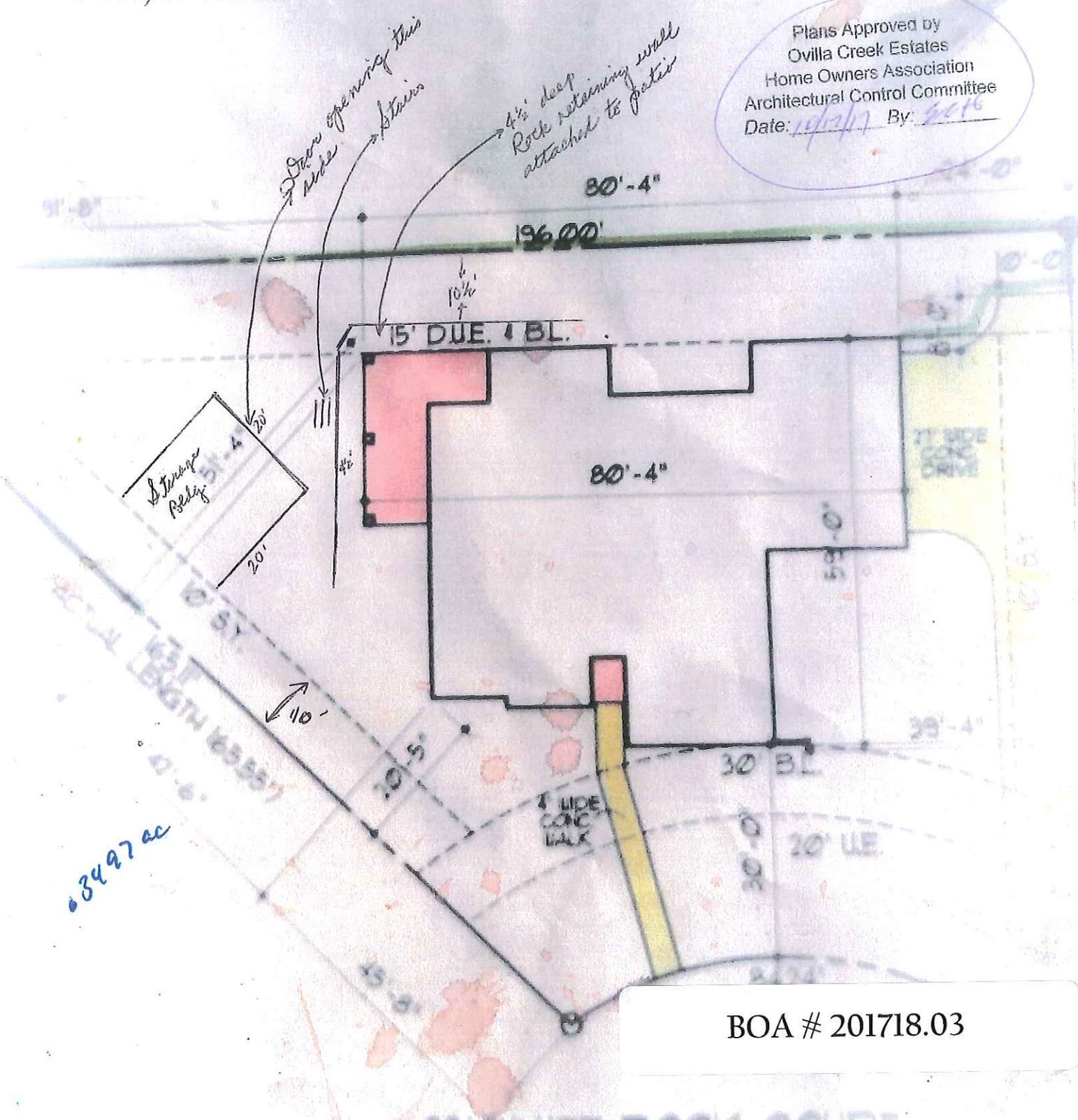
BOA # 201718.03

By Project # _____

Melvin & Mary Baker
 221 White Rock Court
 Ovilla, Texas 75154
 214/1476-0379 or
 214/450-6153

Plans Approved by
 Ovilla Creek Estates
 Home Owners Association
 Architectural Control Committee
 Date: 10/2/17 By: Zettie

Storage bldg.:
 20' x 20', one story, gable roof,
 Black shingles with almond painted
 sides, & white door

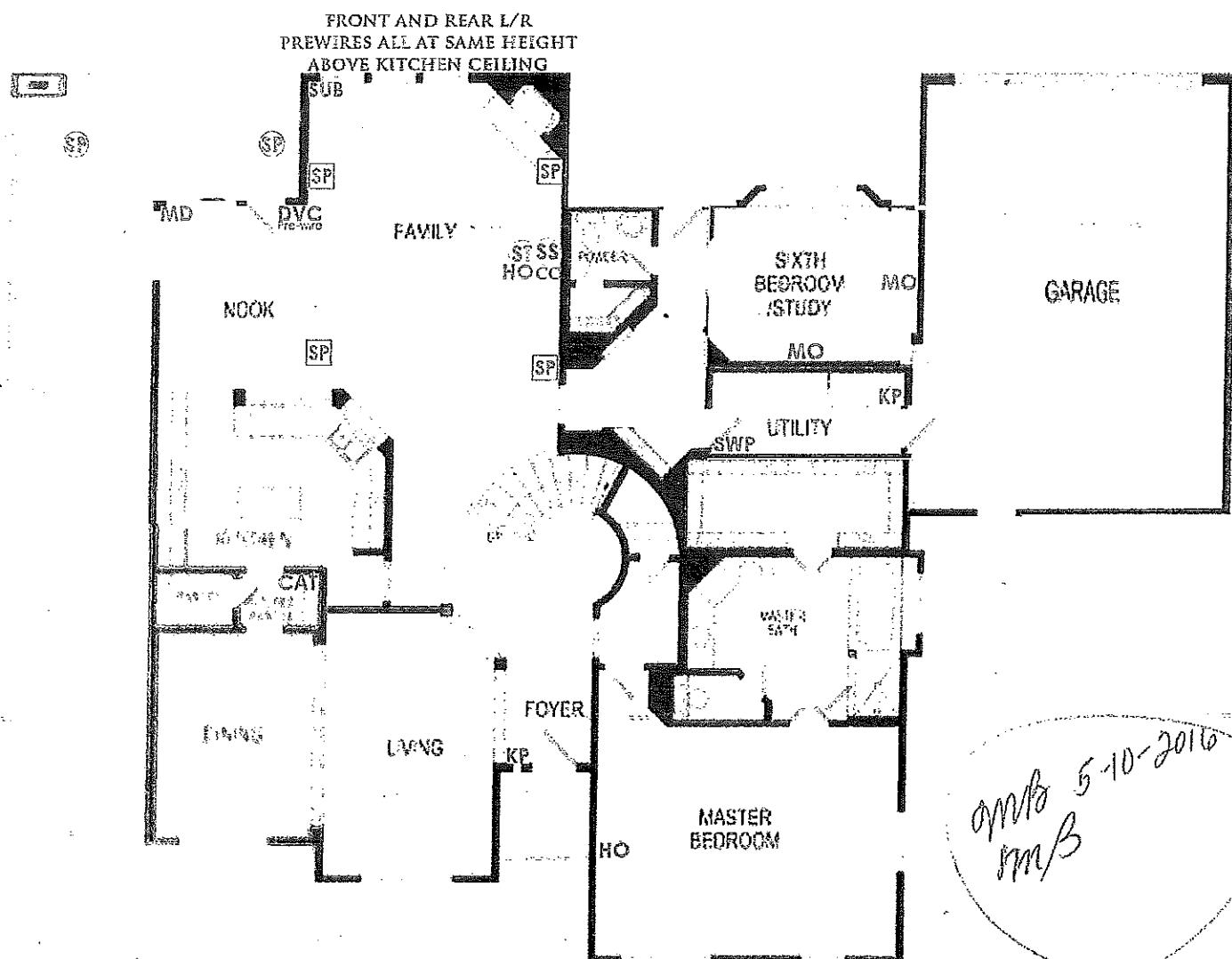


FIRST TEXAS HOMES

Prewire Diagram Only

HOMEPRO

221 WHITE ROCK COURT - BAKER - FLOOR 1



BOA # 201718.03

Concrete Foundation Support Grid		2nd Floor Upgrade w/Stairs	
18'x32'x18'g"	\$22,731	\$21,630	\$324
18'x32'x18'g"	\$22,931	\$23,890	\$356
18'x36'x18'g"	\$25,111	\$26,010	\$392

PIGARAGES



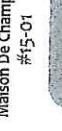
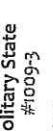
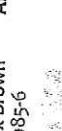
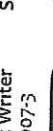
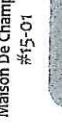
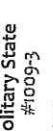
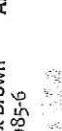
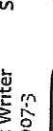
Concrete Foundation Requirements

Sundance Series Branch Garage

Sundance Series Ranch Garage
We've applied years of building experience to Garage. Standard and custom sizes and designs to match the architecture of your home. Contact us for a free estimate.

- 3'x6'8" 6 Panel Residential Door
 - Standard Overhead Door
(up to 16'w & 7'h)

W.L.	Basis	w/Plants	Monthly (Barrel)
12x16'	\$5.569	\$1,126	\$87
12x20'	\$6.185	\$6,904	\$97
12x24'	\$6.822	\$7,504	\$107
16x16'	\$6.329	\$6,962	\$99
16x20'	\$7.048	\$7,753	\$110
16x24'	\$7.767	\$8,544	\$122
20x20'	\$8.055	\$8,161	\$124
20x24'	\$8.918	\$9,810	\$139
20x30'	\$10.233	\$11,256	\$160
24x20'	\$8.877	\$9,765	\$139
24x24'	\$9.853	\$10,338	\$154
24x30'	\$11.302	\$12,432	\$177

	<p>Hat Box Brown #1085-6</p>		<p>Almond Brittle #1095-3</p>		<p>Maison De Champagne #15-01</p>
					<p>Gray By Me #1088-4</p>
					<p>Knight's Armor #1001-6</p>
					<p>Dover Gray #1001-5</p>
					<p>Solitary State #1009-3</p>
					<p>Ghost Writer #1007-3</p>
					<p>Black Magic #1001-7</p>
					<p>Pumpkin Patch #1201-5</p>
					<p>Cedar Stain Finish</p>

294618156302136 Effective 0517 TSHD BPC II

BOA # 201718.03

CHAPTER 14

ZONING

Section 30 - Accessory and Residential Accessory Buildings

30.3 PLACEMENT

A. Front Setback. A residential accessory building must be located completely behind the rear plane of the main dwelling.



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 # 201718.03

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.

Our property is pie shaped with rear of the main house facing the farthest angle. The easement on the side comes all the way up to the rear door

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.

It would deprive us of placing any storage or other structure in our yard. There are several home owners in this area and on this street who have extra storage units, pools and other fixed additions to their property.

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

The shape of the property unfairly limits us from adding much needed storage. Especially after we comply with easement requirements

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.

The space is needed for the remainder of our property which has been in storage for a year at a cost of 627.00 per month.

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.



The shed will be hidden by the house almost completely. It will be within the designated easements on all sides. It has been checked and approved by the H.D.A. It will be the color of the main house.

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.

The only use of the shed will be to house property presently being stored in other storage units not on our property

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 # 201718.03

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. _____

Property Address 221 White Rock Court
Ovilla, Texas 75154

Block No. _____

Zoning _____

The Applicant Melvin & Mary Baker, 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.

We are asking to be allowed to place the storage shed to the rear of our property. It would be hidden from street view and will match the paint and roof color of the main house.

Has a previously appeal been filed on this property? YES / NO

If YES, when was the previous appeal filed? _____



BOA # 201718.03

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 have completed all sections of the application
I authorize Melvin Baker of 221 White Rock Court
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name

Mailing Address

Telephone (Hm)

Telephone (Wk)

Email

Melvin Baker
Mary E. Baker

Applicant's signature

Melvin & Mary Baker
221 White Rock Court

214/450-6153 or 214/476-0379

(Retired)

Tinkler@msn.com

11-14-2017

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: MELVIN & MARY BAKER

Case Number: BOA201718.03

Address: 221 WHITE ROCK COURT

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 PLACEMENT of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

BOA Members present, and upon a record vote:

	FOR	AGAINST	ABSTAIN
Chair Carol Richtsmeier			
Vice-Chair Richard Ware			
Member Barbara Betik			
Member Sandra Cawley			
Member Ozzie Molina			
Alt. Member Paul Haney			
Alt. Member Stephanie Heimbuch			

TOTALS:

— FOR
— AGAINST
— ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary

Date

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION

Meeting Date: January 16, 2018

Attachments:

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

Agenda Item / Topic:

ITEM 2. **BOA201718.04 – Public Hearing & Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT FILED BY Martin & Felicia Kemp for a residential variance to construct an accessory building that is not behind the rear plane of the main dwelling on their property located at 220 White Rock Court.

Discussion / Justification:

APPLICANT: Martin & Felicia Kemp
LOCATION: 220 White Rock Court
ZONING: R15 Residential

Applicant's Proposal: Applicant requests to construct an accessory building not located behind the rear plane of the home.

Discussion:

The Ovilla Code of Ordinances, Chapter 14 Section 30.3, PLACEMENT, states:

A. Front Setback.

1. A residential accessory building must be located completely behind the rear plane of the main dwelling.

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; 17 Certified letters mailed.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO MARTIN & FELICIA KEMP AT 220 WHITE ROCK COURT, TO CONSTRUCT AN ACCESSORY BUILDING THAT IS NOT BEHIND THE REAR PLANE OF THE MAIN DWELLING ON HIS PROPERTY AS PRESENTED IN BOA201718.04"



Residential Building Permit Application

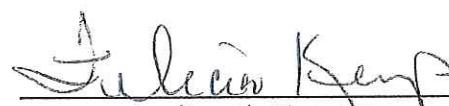
City of Ovilla

105 S. Cockrell Hill Rd., Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Building Permit #	2017-6015	Valuation:	\$1,500.00
Zoning:		Valuation w/	\$0.00
Project Address:	220 WHITE ROCK CT	Land:	
Lot:	Block: A	Subdivision:	OVILLA CREEK ESTATES
<u>Project Description:</u>			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building	Yes	
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence		
Other	Specify Other:		
Proposed Use:			
Description of Work:	ACCESSORY BUILDING - 8X10 WOOD W/COMP ROOF		
<u>Area Square Feet:</u>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

<u>Homeowner Details</u>
Name: FELECIA KEMP
Address: 2020 White Rock, Ovilla, TX 75154
Phone # (214) 546-8228 Email:
<u>Applicant Details</u>
Applicant Type: Owner
Name:
Address: ,
Phone # Email:

BOA # 201718.04

General Contractor Details**License #****Name:** MICHAEL RYAN**Phone #** (972) 897-5030 **Email:****Mechanical Contractor Details****License #****Name:****Phone #** Email:**Electrical Contractor Details****License #****Name:****Phone #** Email:**Plumber/Irrigator Details:****License #****Name:****Phone #** Email:
Applicant's Signature***Office Use Only:***

Approved By :		Date approved:	
City Manager:		Date Approved:	

Plan Review Fee: \$0.00

Total Fees: \$40.00

Building Permit Fee: \$40.00

Issued Date:

Park Impact Fee: \$0.00

Expiry Date:

Capital Recovery Fee: \$0.00

Issued By: Mike Dooly

Fire Meter: \$0.00

BV Project #

Water Meter Cost: \$0.00

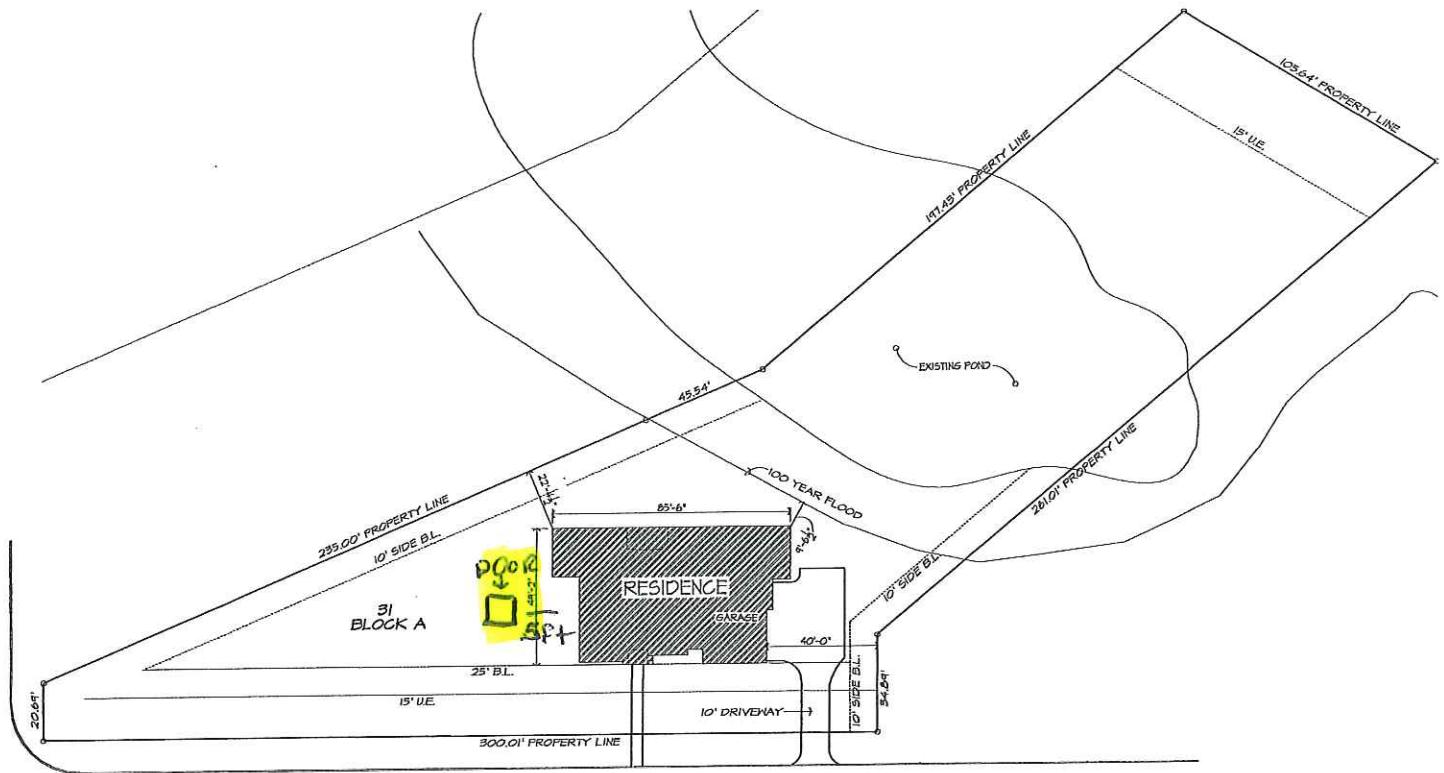
Water Impact: \$0.00

Sewer Connection Fee: \$0.00

Sewer Impact: \$0.00

*Permit - Demolish - placement of Bldgs.**Chapter 14 30.03 A**A. Rear Setback. A Residential Accessory building must be located completely behind the rear plane of the main dwelling.*

BOA # 201718.04



site plan

SCALE 1:200

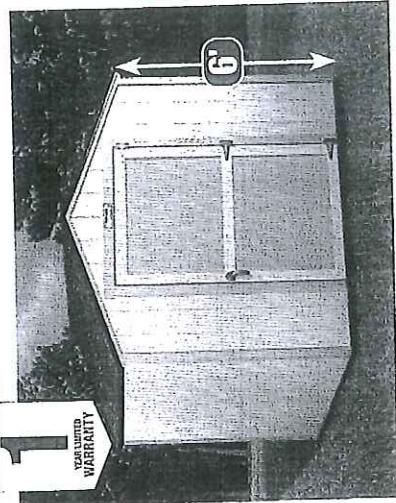
— HARRISON HOMES —
These plans are the property of Harrison Homes &
cannot be reproduced without specific written permission.

THE STORAGE SITED
is 5 feet from the
HOUSE

BOA # 201718.04

RANCH STYLE SHEDS

All buildings in this brochure shown with optional upgrade



Keystone Series KR-600

This is our most affordable ranch style building.

Shown here with a reverse color paint scheme on the door

- 2x6 Treated Wood Foundation
 - 4'x6' Steel Reinforced Shed Door
 - Endwall Door Placement
 - 5'8" Clear Interior Sidewall Height
 - 24" On Center 2x4 Wall Framing
 - 3" Flat Sidewall Eave

BARN STYLE SHEDS



BOA # 201718.04

 **CHAPTER 14****ZONING****Section 30 - Accessory and Residential Accessory Buildings** **30.3 PLACEMENT**

A. Front Setback. A residential accessory building must be located completely behind the rear plane of the main dwelling.



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.

BOA # 201718.04

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.

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.

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 # 201718.04



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. 31

Property Address 220 White Rock ct.

Block No. A

Ovilla Tx 75154

Zoning R15

The Applicant, FELECIA KEMP, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article , Chapter 14, Section 30.3 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

PIACEMENT OF THE ACCESSORIE BUILDING

Has a previously appeal been filed on this property? YES / NO

If YES, when was the previous appeal filed? _____

BOA # 201718.04



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 FELECIA KEMP

Mailing Address 1515 DUTCHMAN CREEK
DESOTO, TX 75115

Telephone (Hm) NONE

Telephone (Wk) 214-546-8228

Email felicia.kemp@sbcglobal.net

Felecia Kemp

Applicant's signature

12/4/2017

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: MARTIN & FELICIA KEMP

Case Number: BOA201718.04

Address: 220 WHITE ROCK COURT

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 PLACEMENT of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

BOA Members present, and upon a record vote:

	FOR	AGAINST	ABSTAIN
Chair Carol Richtsmeier			
Vice-Chair Richard Ware			
Member Barbara Betik			
Member Sandra Cawley			
Member Ozzie Molina			
Alt. Member Paul Haney			
Alt. Member Stephanie Heimbuch			

TOTALS:

— FOR
— AGAINST
— ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary

Date



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

DISCUSSION & ACTION

Meeting Date: January 16, 2018

Attachments:	
None	
Agenda Item / Topic:	
ITEM 3.	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	