

AGENDA

Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
April 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 Monday, April 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 February 20, 2018 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. **BOA201718.06 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Sherrilyn Genovese 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 101 Oak Forest Lane.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Sherrilyn Genovese.

ITEM 2. **BOA201718.07 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 OTHER SETBACKS filed by Sherrilyn Genovese for a residential variance to construct an accessory building that is not 100' (feet) from the property line located at 101 Oak Forest Lane.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Sherrilyn Genovese.

ITEM 3. **BOA201718.08 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Jeff Thompson for a residential special exception to construct a fence to the building line on his property located at 140 Water Street..

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Jeff Thompson.

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 Dooly, Code Enforcement

ITEM 4. 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 **April 16, 2018 @ 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 April 2018, prior to 6:00 P.M.

Glennell Miller

Glennell Miller
Deputy City Secretary

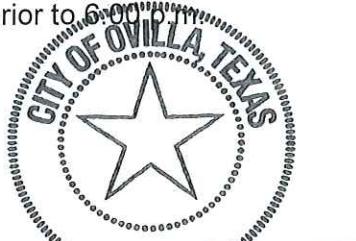
DATE OF POSTING:

APRIL 13, 2018

TIME: *3:30* am/pm

DATE TAKEN DOWN:

TIME: *3:30* 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, February 20, 2018
Board of Adjustment Meeting

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

Barbara Betik	Board Member
Sandra Cawley	Board Member
Ozzie Molina	Board Member
Stephanie Heimbuch	Alt. Board Member
Paul Haney	Alt. Board Member

Code Enforcement Officer Mike Dooly was present.

At this time Chair Betik asked Acting Vice Chair Heimbuch to call roll of members present. Board members Chair Richtsmeier, and Vice Chair Ware were absent. Alternate members Stephanie Heimbuch, and Paul Haney were in attendance thus declaring a quorum.

The Pledge of Allegiance was led at this time. Chair Betik outlined the evening's agenda and briefed those present on board procedures.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

None

CONSENT ITEMS

- Minutes of the February 5, 2018 BOA *Special Meeting*

PL7 Heimbuch 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 I. ***DISCUSSION/ACTION - BOA201718.05 - Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS, filed by Lisa Lynn for a residential special exception to construct fence to the building line on her property located at 725 Westmoreland Rd.

Chair Betik read aloud the captioned request and opened the Public Hearing at 7:09 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. All of the lots around the property in question have the same fence line. If the applicant is denied the appeal, her fence will need to be placed 50 ft. back from the other

CITY OF OVILLA MINUTES
Monday, February 20, 2018
Board of Adjustment Meeting

homeowners fence line, and the applicant would like for her fence to be in keeping with the look of the other homes in the neighborhood.

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

Applicant, Lisa Lynn stated that her homes sits back off of the road. She reiterated that she would like to continue the look of surrounding neighbors by placing her fence in line with theirs. It is also her intent to put up the fence and gate for safety. The applicant brought additional pictures for the Board to review in order to see what exactly is surrounding her property and the look of all fences in the area.

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

None

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

None

(Rebuttal or Final Comments:)

None

The Public Hearing was closed at 7:16 p.m.

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION -- Consideration of requested *Special Exception* filed by Lisa Lynn.

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

PL7 Heimbuch moved that the BOA **APPROVE** the request for Lisa Lynn at 725 Westmoreland Rd. for a special exception to construct a fence to the building line of her property as presented in BOA 201718.05.

PL Molina seconded the motion.

Record Vote:

RICHTSMEIER	<u>ABSENT</u>
BETIK	<u>AYE</u>
CAWLEY	<u>AYE</u>
WARE	<u>ABSENT</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>AYE</u>
HANEY	<u>AYE</u>

VOTE: The motion to APPROVE carried 5-0.

CITY OF OVILLA MINUTES
Monday, February 20, 2018
Board of Adjustment Meeting

ITEM 2. **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 Betik adjourned the meeting at 7:20 p.m.

Barbara Betik, Acting Chair

ATTEST:

Glennell Miller, Board Secretary

Approved on April 16, 2018

Attachment(s): *Findings-of-Fact (1)*



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

Applicant: LISA LYNN
Address: 725 WESTMORELAND.

Case Number: BOA201718.05

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

TOTALS:

5
0
0

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: 1 & 2

DISCUSSION & ACTION

Meeting Date: April 16, 2018

Attachments:

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

Agenda Item / Topic:

ITEM 1. **BOA201718.06 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Sherrilyn Genovese 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 101 Oak Forest Lane.

ITEM 2. **BOA201718.07 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 OTHER SETBACKS filed by Sherrilyn Genovese for a residential variance to construct an accessory building that is not 100' (feet) from the property line located at 101 Oak Forest Lane.

Discussion / Justification:

APPLICANT: Sherrilyn Genovese
LOCATION: 101 Oak Forest
ZONING: R22 Residential

Applicant's Proposal: (A.) Applicant requests to construct an accessory building not located behind the rear plane of the main dwelling.

Applicant's Proposal: (B.) Applicant requests to construct an accessory building not located 100' (feet) from the property line.

Discussion:

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

A. Front Setback.

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

B. Other Setbacks.

An accessory building may not be closer than five (5) feet to the lot line on any side and no closer than one hundred (100') feet to the front 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 The Red Oak Record; 11 certified letters mailed. There have been no responses.

N/A

Sample Motion(s):

(Item 1)

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO SHERRILYN GENOVESE AT 101 OAK FOREST LANE, TO CONSTRUCT AN ACCESSORY BUILDING THAT IS NOT BEHIND THE REAR PLANE OF THE MAIN DWELLING ON HER PROPERTY AS PRESENTED IN BOA201718.06."

(Item 2)

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO SHERRILYN GENOVESE AT 101 OAK FOREST LANE, TO CONSTRUCT AN ACCESSORY BUILDING THAT IS CLOSER THAN THE FIVE FEET FROM LOT LINE AND CLOSER THAN ONE HUNDRED FEET TO THE FRONT LINE ON HER PROPERTY AS PRESENTED IN BOA201718.07."

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:

2018-6107

Valuation:

Valuation w/land:

Project Address:

Lot: 31

101 Oak Forest Lane, Ovilla, TX 75154

Subdivision: Cumberland Forest

Project Description: NEW SFR

SFR REMODEL/ADDITION

PLUMBING/ELECTRICAL

FLATWORK

SWIMMING POOL

ACCESSORY BUILDING

SPECIFY OTHER:

SPRINKLER

FENCE

Proposed Use:

Storage

Description of Work:

Area Square Feet:

Living:

Garage:

Covered

Porch:

Total:

Number of stories:

Name: SHERILYN GENOVESE

Contact Person: SAME

Address: 101 OAK Forest Lane, Ovilla, TX 75154

Phone Number: 469-881-1315

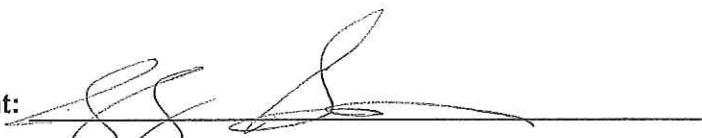
Home Number: SAME

Mobile Number: 214-435-2437

General Contractor	Contact Person	Phone Number	Contractor License Number
ULRICH	WESTON ULRICH	817-506-4437	
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:

3/16/18

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:

MD

Water Meter Cost:

*Denied - 2
Read plane of residence
100' from property line*

Water Impact:

Sewer Connection Fee:

BOA # 201718.06 3.07

Sewer Impact:

Fire Fee:



Building Permit

City of Ovilla

P.O. BOX 5047, Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Permit No. 2018-6107

Location: 101 OAK FOREST LN

Description: Accessory Building

Owner: SHERRILYN GENOVESE

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



Accessory Building Permit Checklist

DATE 3-16-18

OWNER Genovese

ADDRESS 101 OAK Forest

1. Permit Signed by property owner	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				
2. Use of building	<u>Storage</u>					
3. Plot plan with survey stamp	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				
4. Building Material	Brick	Stone	Hardiplank	<input checked="" type="checkbox"/> Wood	Other	
5. Roof Material	<u>Comp</u>					
6. Door Facing 90' from front of property	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				
7. Height no taller than main dwelling or 25'	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				
8. Location of Building	 a. 100 ft from front property line <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No - Variance Required b. 5 feet from side property lines <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - Variance Required c. Behind Rear plane of house <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No - Variance Required					
9. Septic tank/aerobic sprinkler spray location	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No				
10. Electricity	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				
11. Plumbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				
12. Number of buildings on property	<u>1</u>					
13. Size of property	<u>808</u> <u>368</u>					
14. Total square footage	<u>334 + 32</u>		Total square footage allowed <u>500</u>			
15. Variance required	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				

Approved

Denied

Reason - Location of Building

DATE 3-16-18

NAME Mike Day

BOA # 201718.06 07

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.
- B. Other Setbacks. An accessory building may not be closer than five (5) feet to the lot line on any side and no closer than one hundred (100') feet to the front line.



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 home is built on a corner lot and
located between 2 streets; Oak Forest Lane and
Birdsong Circle, making the yard an odd shape.

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, our neighbors have out-buildings in
Cumberland Forest.

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

We purchased the property on March 5, 2018.
It was built in 1998.

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.

We are trying to use land that is basically
not fit for other uses.

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.

BOA # 201718.06 6.07



Yes, the structure will be in harmony with general purpose and our home. It will not be injurious to our neighbors or neighborhood or detrimental to public welfare.

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, we fully concur.

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 # 201718.06 & .01



Case No. _____

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 101 Oak Forest Lane
Ovilla, TX 75154

Block No. A

Zoning Cumberland Forest, Phase II

The Applicant, Sherrills General, 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.

Placement of storage/workshop in front of rear plane of home.

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____

BOA # 201718.06 a.01



• Case No. _____

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 2/14 of _____,
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name

SHERRILYN GENOVESE

Mailing Address

101 Oak Forest Lane
Ovilla, TX 75154

Telephone (Hm)

469-881-1315

Telephone (Wk)

214-435-2437

Email

Sherrilyn@verizon.net

A handwritten signature in black ink, appearing to read "SHERRILYN GENOVESE".

Applicant's signature

3/16/18

Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



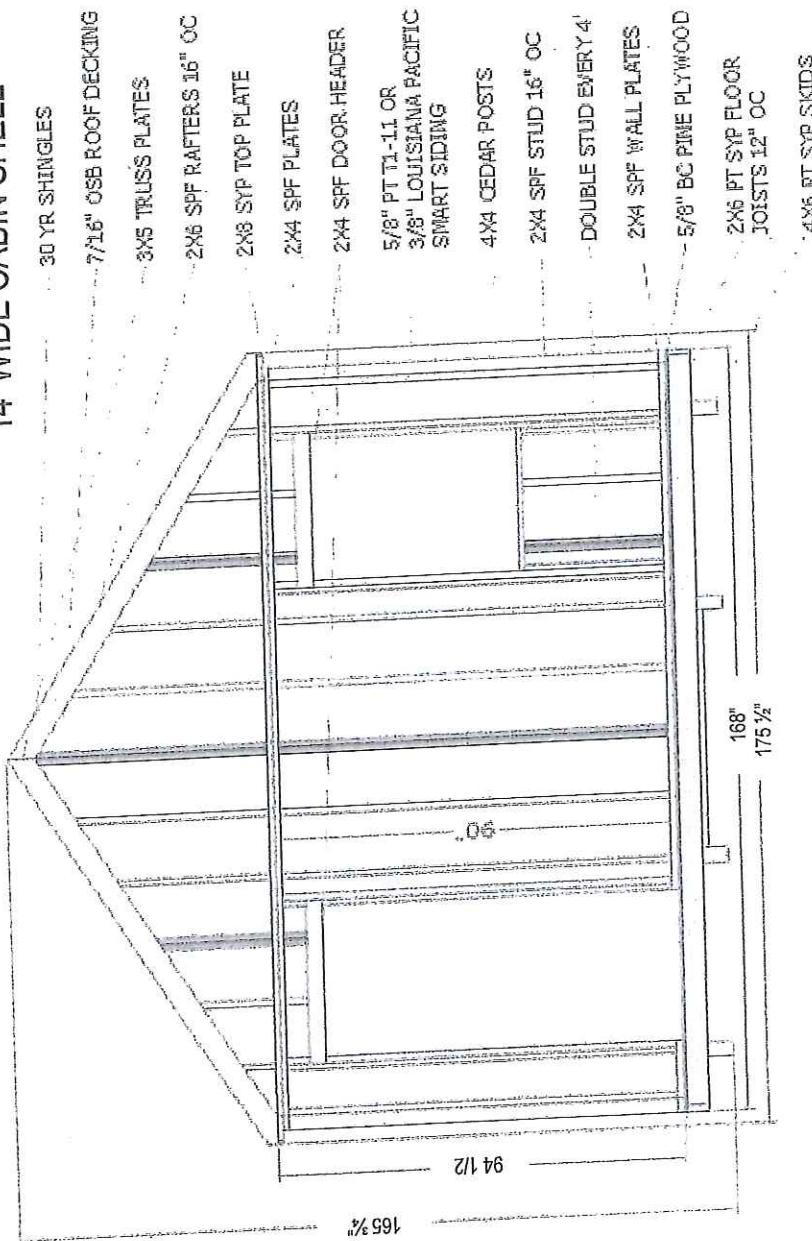
BOA # 201718.06 4 . 01

eston Ulrich

Sales Consultant
Ulrich Barn Builders
Ice 817-506-4437 (Mon-Fri 8am-5pm)
1682-760-6672 (Text after hours)

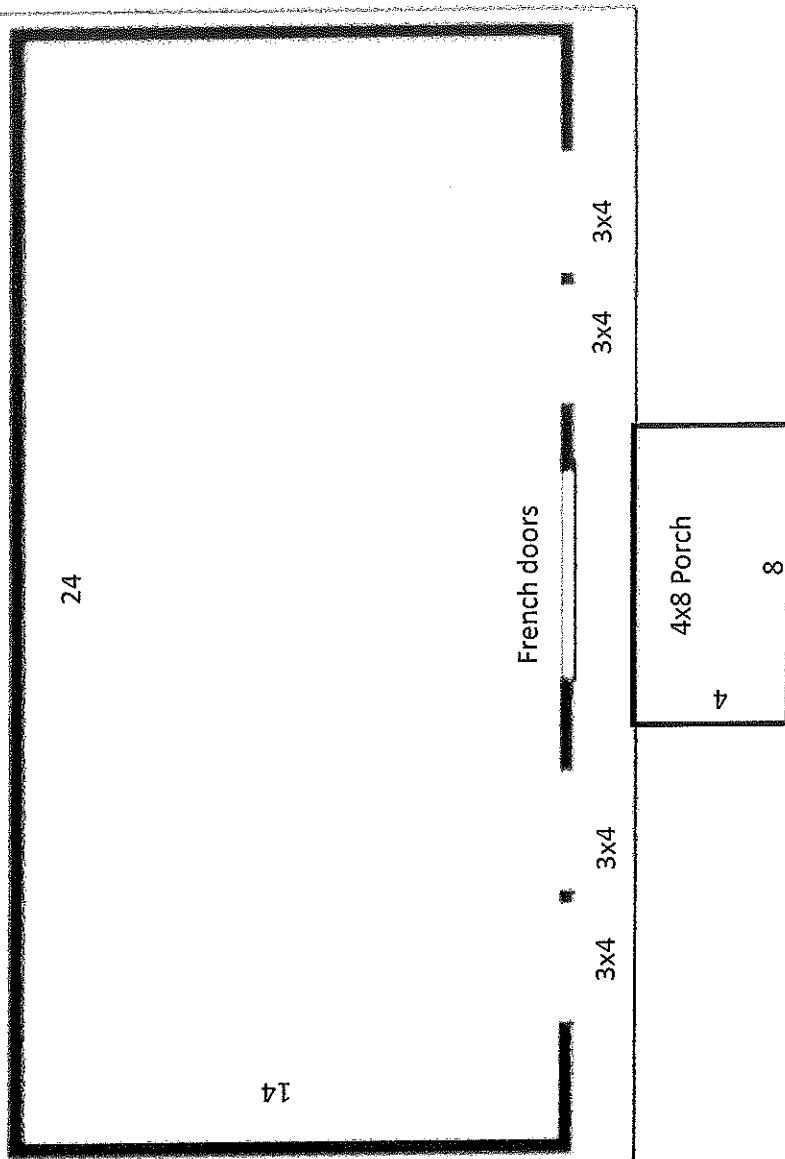
10 South Freeway
Fort Worth, TX 76140
[Google Maps Link](#)

14' WIDE CABIN SHELL



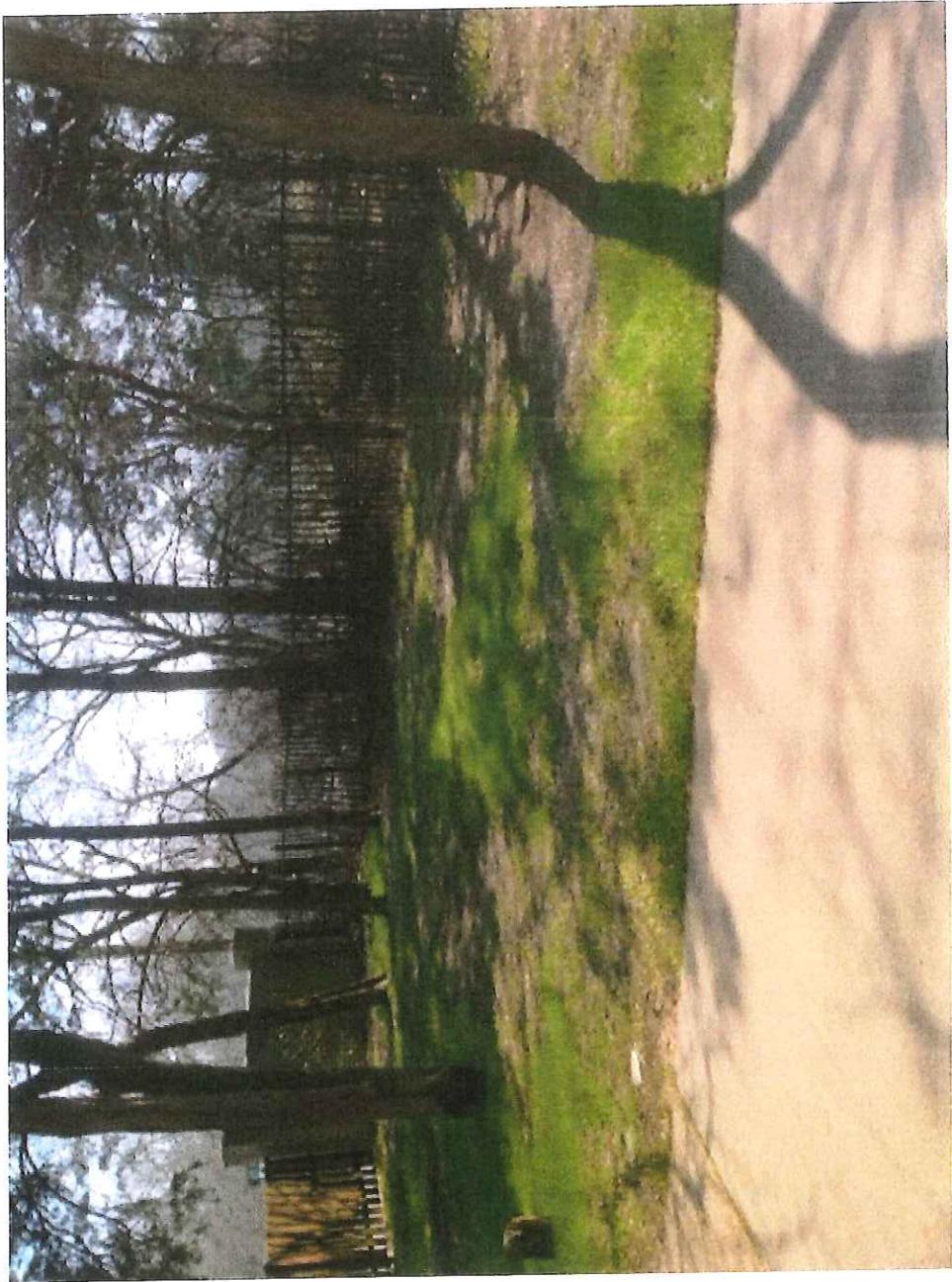
BOA # 201718.06 107

Ulrich

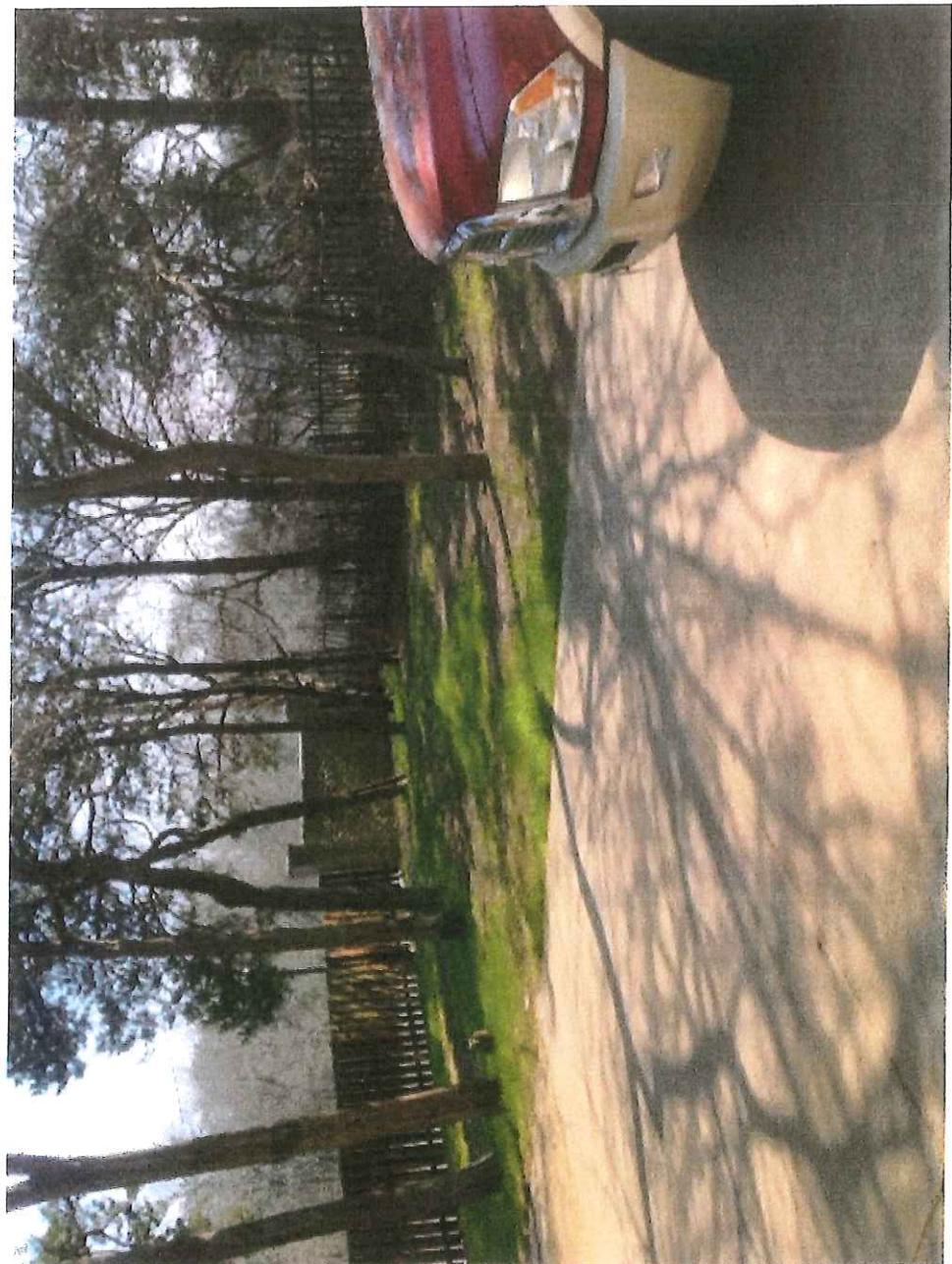


BOA # 201718.06 01

BOA # 201718.06 ♂ 07

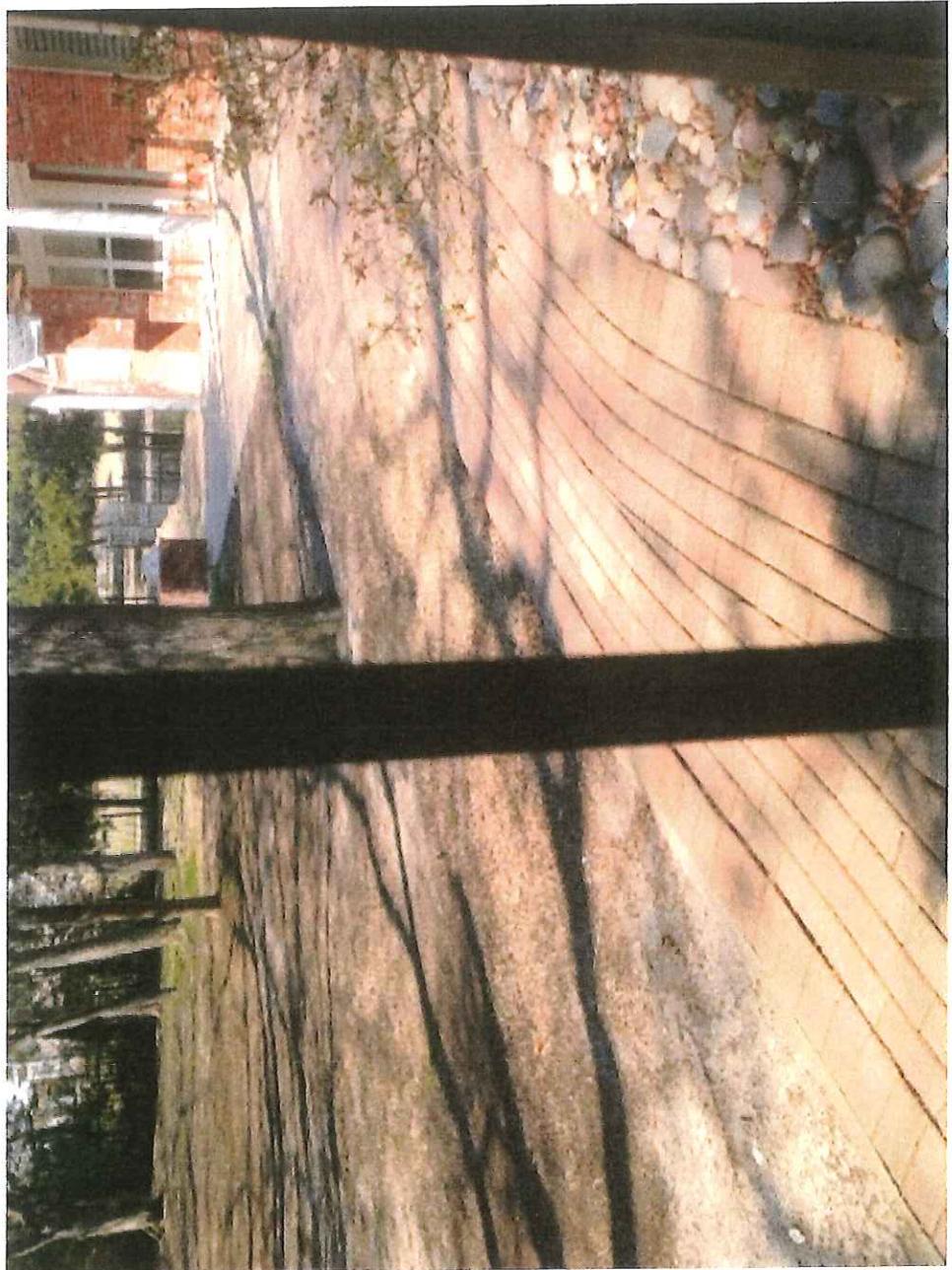


BOA # 201718.06 2.07



BOA # 201718.06 : .07





BOA # 201718.06 .07



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: SHERRILYN GENOVESE Case Number: BOA201718.06
Address: 101 OAK FOREST LANE

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 PLACEMENT; (A) **FRONT SETBACK** 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



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: SHERRILYN GENOVESE
Address: 101 OAK FOREST LANE

Case Number: BOA201718.07

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 PLACEMENT; (B) OTHER SETBACKS 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: April 16, 2018

Attachments:

1. Permit Application
2. Special Exception Application with attachments
3. Findings of Fact

Agenda Item / Topic:

ITEM 3. **BOA201718.08 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Jeff Thompson for a residential special exception to construct a fence to the building line on his property located at 140 Water Street..

Discussion / Justification:

APPLICANT: Jeff Thompson
LOCATION: 140 Water Street.
ZONING: RE Residential

Applicant's Proposal: Applicant requests to construct a 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.

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 The Red Oak Record; 8 certified letters mailed. There has been no response.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO JEFF THOMPSON AT 140 WATER STREET, TO CONSTRUCT A FENCE TO THE BUILDING LINE ON HIS PROPERTY AS PRESENTED IN BOA201718.08."

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:	5520			Valuation:		
Project Address:	Valuation w/land:					
Lot:	Subdivision:					
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:	THE Posts will be set 21" deep with no concrete, only soil + pea gravel					
Description of Work:	CEDAR SPLIT RAIL FENCE ON FRONT OF PROPERTY. 16' from NW					
Area Square Feet:	Covered CLOSER OF LOT TO EDGE OF ROAD, 12' from NE ROAD					
Living:	Garage:	Porch:	Total:	Number of stories:		

Homeowner's name:	JEFF & ERICA THOMPSON		
Address:	146 WATER ST		
Phone Number:	469-309-9603	Home Number	Mobile Number:

General Contractor JEFF THOMPSON Home Owner	Contact Person	Phone Number	Contractor License Number N/A
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: Jeff Thompson

Date: 4/13/17

OFFICE USE ONLY:

Approved by:		BOA 201718.08
City Manager:		

Plan Review Fee: _____

Receipt #: _____

Total Fees: _____

Building Permit Fee: _____

Issued Date: _____

Park Impact Fee: _____

Expires: 180 Days

Capital Recovery Fee: _____

Issued By: _____

Fire Meter: _____

*special EXCEPT - Required
in front of building
LINE. mow*

Water Meter Cost: _____

Water Impact: _____

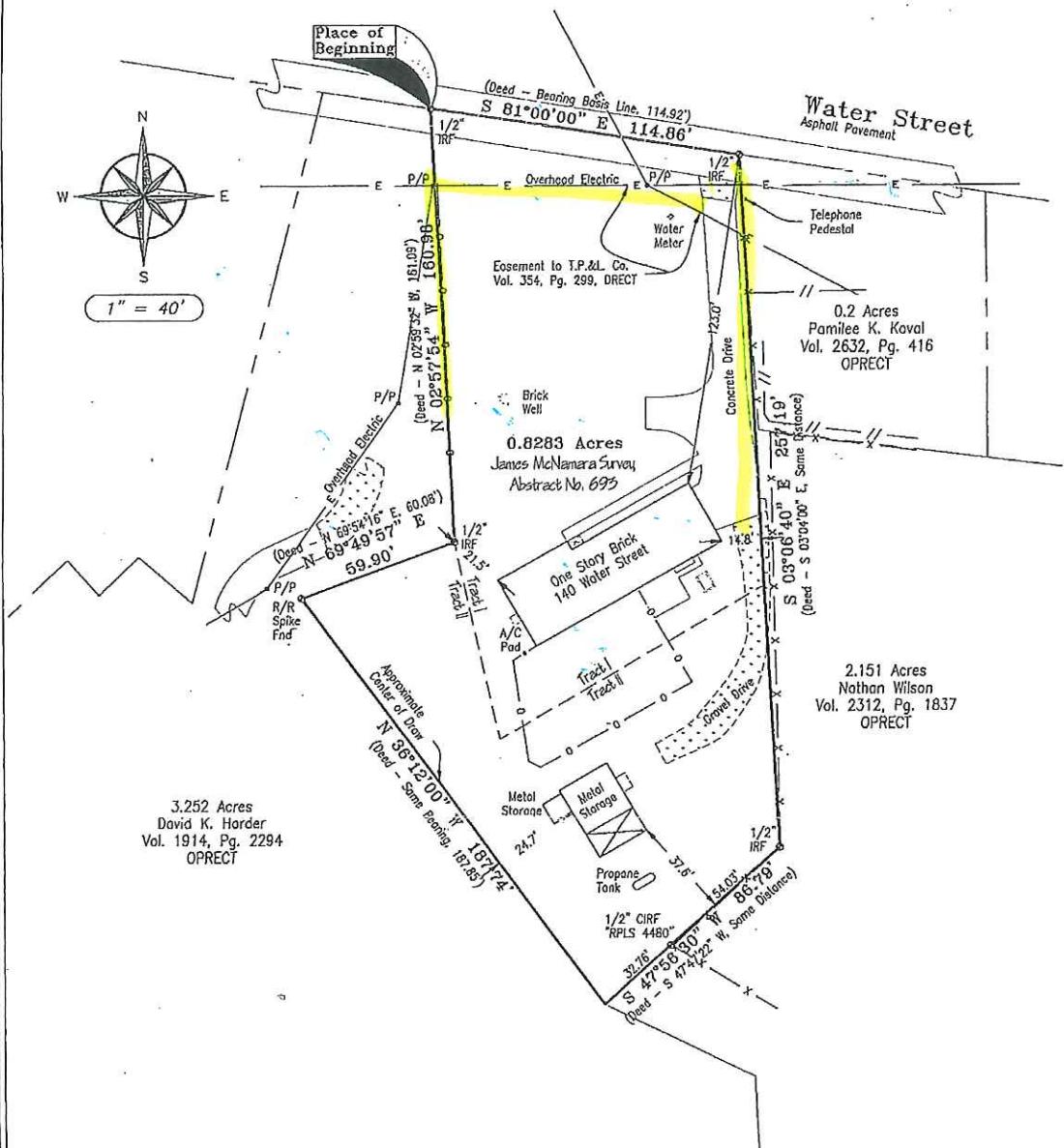
Sewer Connection Fee: _____

Sewer Impact: _____

BV Project #: _____

WLSC

Walker Land Surveying Company
P.O. Box 2911 Waxahachie, Texas 75168
Phone: (972) 938-8693 Fax: (972) 938-8695



See Attached Property Description

This is to certify that I have, on this date, made a true and correct on the ground survey of the subject property. The plot hereon is an accurate representation of the boundary and area as determined by survey. The size, location, and type of buildings and improvements are as shown. Any visible utilities and easements are located as shown. I do not warrant that those shown comprise all such utilities in the area, whether in service or abandoned. I further certify that no portion of the subject property is located in a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas, Map # 48139C0050F, Zone X. This survey plot was prepared for title purposes in conjunction with Ellis County Abstract & Title Company, Title Insurance GF# 1501007M. The easements, right-of-ways, and other exceptions shown are according to the Schedule B provided. The surveyor has not obstructed the property. This survey substantially complies with the Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 3 Survey. This survey was completed exclusively for the above named parties in the original transaction only. It was completed for single use only and no license is granted for any other use without the express written consent of Walker Land Surveying Company. This survey plot contains material protected by United States copyright law and international treaties. Copyright ©2015 Walker Land Surveying Company. All rights reserved. All original copies are multi-colored and marked with the Surveyor's embossed seal. Only these copies may be considered true and correct copies. Any copies not multi-colored and marked with the embossed seal are illegal copies and render this certification null and void.

Prepared For: Jeff & Erico Thompson

GF#: 1501007M

Date: February 3, 2015

Scale: 1=40'

Project: 150008

TBPLS Firm No. 10112400

Copyright ©2015 Walker Land Surveying Company.
All rights reserved.

J. Shawne Walker
J. Shawne Walker, R.P.L.S. 2/4/15
Texas Registration #5331

LEGEND

○	— Property Corner
IP	— Iron Pipe
IR	— Iron Rod
Find	— Found
P/P	— Power Pole

BOA 201718.08

FENCE Permit Checklist.txt

FENCE PERMIT REQUEST

DATE - 3-23-18

NAME - Thompson

ADDRESS - 140 Water

FENCE PERMIT REQUIREMENTS

FORM FILLED OUT-SIGNED Y...N

PLOT PLAN W STAMP Y...N

PICKETS FACING OUT NOTED Y...N - Dec

HEIGHT 6 FT Max Y...N

UTILITY EASEMENTS NOTED Y...N

RIGHT OF WAY Y...N

BUILDING LINE NOTED Y...N - in front

CROSS SECTION IMAGE Y...N -

BREAK AWAY PANEL ACCESS Y...

FENCE MATERIAL - WOOD, METAL, ... OTHER -

Poles - metal Y-N

Board Of Adjustment Variance Required Y...N

APPROVED

DENIED - REASON

Building line

DATE

SIGNED

3-23-18

M. Dow

35.3

Fences in Residential
District

D. 1. special exception
Required.

CHAPTER 14

ZONING

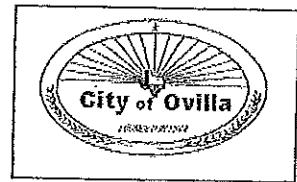
35.3 FENCES IN RESIDENTIAL DISTRICTS

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.

**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.

DATE: _____

BOA 201718.08

REQUEST FOR A SPECIAL EXCEPTION

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. James McNamara Property Address 140 Water St

Block No. Abstract No. 693 OVILLA, TX 75154

Property Zoned RE .82 .83 acres

OWNER OF PROPERTY Jeff Thompson

APPLICANT Jeff Thompson

SPECIAL EXCEPTION _____



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 Jeff Thomas

Mailing Address 140 Water St.

Ovilla, TX 75154

Telephone (Hm) 619-329-9603

Telephone (Wk) same

Email imdoc0728@yahoo.com



Applicant's signature

3/27/18

Date

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: _____

BOA 201718.08

The Applicant/Owner, Jeff Thompson, of Euis County, requests that the Ovilla Board of Adjustment grant the following SPECIAL EXCEPTION to Article _____, Chapter 36.3, Section D.1 of the Ovilla Zoning Ordinance. Please state in detail what type of SPECIAL EXCEPTION you are seeking, attach additional sheets if necessary.

I am seeking a special exception to permit the installation of a split rail cedar fence in front of the current building line at my residence at 140 Water St.

Has a previous appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



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, this fence is allowed under the current ordinances.

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

Yes, the locations of the fence are drawn on the provided property survey.

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

Yes, this fence will be built only on my property.

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.





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

Applicant: JEFF THOMPSON
Address: 140 WATER STREET

Case Number: BOA201718.08

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			
Vice Chair Richard Ware			
Member Sandra Cawley			
Member Barbara Betik			
Member Ozzie Molina			
Alt. Member Stephanie Heimbuch			
Alt. Member Paul Haney			

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

DISCUSSION & ACTION

Meeting Date: April 16, 2018

Attachments:
None
Agenda Item / Topic:
ITEM 4. 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