

## AGENDA

Board of Adjustment Meeting  
105 S. Cockrell Hill Road, Ovilla, Texas 75154  
May 21, 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, May 21, 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 April 16, 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.** **BOA201718.09 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6 NUMBER AND SIZE OF ACCESSORY BUILDING filed by Ronald DeFord for a residential variance to construct an accessory building in excess of the maximum allowed amount per Ordinance, on his property at 609 Westmoreland Rd.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Ronald DeFord.

**ITEM 2.** **BOA201718.10 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 12.1, DESCRIPTION OF LAND USE TABLE CONDITIONS AND SPECIAL REGULATIONS filed by Ronald DeFord for a residential variance to construct a garage apartment in excess of the maximum square feet allowed per Ordinance, on his property at 609 Westmoreland Rd.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Ronald DeFord.

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

**Adjournment**

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **May 21, 2018 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 18th day of May 2018, prior to 6:00 p.m.

*Glennell Miller*  
Glennell Miller  
Deputy City Secretary

**DATE OF POSTING:** MAY 18, 2018 **TIME:** 3:00 **am/pm**  
**DATE TAKEN DOWN:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ **am/pm**



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

**CITY OF OVILLA MINUTES**  
**Monday, April 16, 2018**  
**Board of Adjustment Meeting**

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:20 p.m. with the following BOA members present, thus constituting a quorum:

*(This meeting did start late due to the Ovilla EDC Meeting running late)*

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

Code Enforcement Officer Mike Dooly was present.

At this time Chair Richtsmeier asked Vice Chair Ware to call roll of present members, thus declaring a quorum.

PL2 Ozzie Molina, PL6 Paul Haney (Alt.) & PL7 Stephanie Heimbuch (Alt.) did not attend, and where noted absent.

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 February 20, 2018 BOA Meeting

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

Vice Chair Ware seconded the motion.

**VOTE: The motion carried 4-0**

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

*(Items 1 & Item 2 were explained/discussed for consideration at this time)*

**ITEM I.** **DISCUSSION/ACTION - 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.

**CITY OF OVILLA MINUTES**  
**Monday, April 16, 2018**  
**Board of Adjustment Meeting**

**ITEM 2. DISCUSSION/ACTION - 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.

***Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:25 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 lot is shaped "odd" at an angle and will make it impossible to place as ordinance states - behind the home. The applicant gave an alternate location explained by Officer Dooly.

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

Applicant introduced herself to the Board and explained she was aware of some of the concerns of her neighbors. She stated that the building is going to be on blocks in the alternate location but it will not be on a slab in the future. The building will be used to storage and a workshop, with no utilities inside.

***(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:) Comments listed below:***

1. Richard Edmiston – 104 Oak Forest Ln. - violates ordinances & deed restrictions, on corner lot so all see upon entering Cumberland Forest Subdivision.
2. Kenneth Rarick – 109 Oak Forest Ln. - 1<sup>st</sup> vision as you enter Subdivision, portable building.
3. Patricia Rarick – 109 Oak Forest Ln. - asking Board to enforce ordinances, the fence on property will not shield sight of portable building
4. Jeanne Ham – 106 Oak Forest Ln. - against the HOA for Cumberland Forest Subdivision, it is a large structure, and goes against code.
5. Phillip Ham – 106 Oak Forest Ln. - won't be permanent structure, unfortunate for homeowners that lot is odd shape - but placement will go against code.
6. Mr. Kirkland – 102 Oak Forest Ln. - from all approach will be seen
7. Mrs. Vaughn – 102 Windsong - letter was read from neighbor in opposition, and neighbor stated that the alternate location would be visible from all angles as well
8. Linda Edmiston – 104 Oak Forest Ln. - integrity of the neighborhood , expects board to uphold standards
9. Don Kirkland – 102 Oak Forest Ln. - totally against

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

Applicant – unaware of so many in opposition. Wants to discuss further alternate location, but will not withdraw request.

**CITY OF OVILLA MINUTES**  
**Monday, April 16, 2018**  
**Board of Adjustment Meeting**

The Board of Adjustment wanted all of those attending the meeting to be informed that the Board of Adjustment does not base any verdicts on Home Owners Association's with in the City. They are not to enforce or follow Restrictions, Covenants, Conditions, Guidelines or By-Laws of any HOA. The City of Ovilla Code of Ordinances is the only direction in every case.

***The Public Hearing was closed at 7:55 p.m.***

**INDIVIDUAL CONSIDERATION**

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

The Board discussed and considered the oppositions of all that attended, and those letters that were sent to City Hall. Reiterated that the Ordinance is in place for a reason. At this time, 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 **negative** outcome.

PL3 Betik moved that the BOA **DENY** the requests for Sherrilyn Genovese at 101 Oak Forest Lane for a variance to construct an accessory building that is not behind the rear plane of the main dwelling, and that the accessory building would not be placed 100' from property line as presented in BOA 201718.06 & BOA 201718.07.

PL4 Cawley seconded the motion to deny both variances as presented.

Record vote was called:

**Record Vote: TO DENY**

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

**VOTE: The motion to DENY carried 4-0.**

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

**ITEM 3.**    **BOA 201718.08** 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 Thomson for a residential Special Exception to construct a fence to the building line on his property located at 140 Water Street.

**CITY OF OVILLA MINUTES**  
**Monday, April 16, 2018**  
**Board of Adjustment Meeting**

***Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 8:05 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 to construct fence beyond property line.

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

Applicant introduced himself to the Board and explained that the fence will be constructed for the safety of his children primarily. He explained it will not be set in concrete, and will connect to the neighbors fence. The fence will match the neighbors fencing, as far as materials and will be visually pleasing.

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

None - (1 letter in support)

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

None

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

None

***The Public Hearing was closed at 8:10 p.m.***

**INDIVIDUAL CONSIDERATION**

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

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 requests for Jeff Thompson for a residential Special Exception to construct a fence to the building line on his property located at 140 Water Street as presented in BOA 201718.08.

Record vote was called:

**Record Vote:**

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

**CITY OF OVILLA MINUTES**  
**Monday, April 16, 2018**  
***Board of Adjustment Meeting***

**VOTE:** *The motion to APPROVE carried 4-0.*

**ITEM 3. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consternation and action.  
None

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

None

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

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Carol Richtsmeier, Chair

ATTEST:

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Glennell Miller, Board Secretary

*Approved on May 21, 2018*

**Attachment(s):** *Findings-of-Fact (3)*



## 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 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	ABSENT		
Alt. Member Paul Haney	ABSENT		
Alt. Member Stephanie Heimbuch	ABSENT		

**TOTALS:** 4 FOR  
0 AGAINST  
0 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 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	ABSENT		
Alt. Member Paul Haney	ABSENT		
Alt. Member Stephanie Heimbuch	ABSENT		

TOTALS:

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

**TOTALS:**

4      FOR  
0      AGAINST  
0      ABSTAIN

**The special exception is hereby:**

✓ granted      \_\_\_\_\_ denied

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

\_\_\_\_\_  
DATE

**Attest:**

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

\_\_\_\_\_  
DATE

# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 1

### DISCUSSION & ACTION

Meeting Date: May 21, 2018

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
<b>ITEM I.</b> <b>BOA201718.09 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6 <u>NUMBER AND SIZE OF ACCESSORY BUILDING</u> filed by Ronald DeFord for a residential variance to construct an accessory building in excess of the maximum allowed amount per Ordinance, on his property at 609 Westmoreland Rd.	
Discussion / Justification:	
<b>APPLICANT:</b>	Ronald DeFord
<b>LOCATION:</b>	609 Westmoreland Rd
<b>ZONING:</b>	R22 Residential
<b>Applicant's Proposal:</b> Applicant requests to construct an accessory building over maximum square footage allowed per lot.	
<b>Discussion:</b> <b>The Ovilla Code of Ordinances, Chapter 14, Section 30.6, Table 30A <u>NUMBER AND SIZE OF ACCESSORY BUILDINGS</u>, states:</b> If the property is at least 10.0 acres, total square footage of all accessory buildings can be 1.5% of the lot size or 6,650 feet, whichever is larger, but with a total square footage combined not to exceed 8,000 feet with no single building greater than 4,000 square feet.	
<b>BOARD DISCUSSION:</b> The Board is allowed to grant a Variance under certain circumstances & after review of the <b>Findings of Fact</b> form.	
<b>NOTICES:</b> One public notice listed in the The Waxahachie Daily Light; 13 certified letters mailed. There have been no responses.	
N/A	
Sample Motion(s):	

***"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO  
RONALD DEFORD AT 609 WESTMORELAND RD., TO CONSTRUCT AN ACCESSORY BUILDING  
IN EXCESS OF THE MAXIMUM ALLOWED AMOUNT PER ORDINANCE ON HIS PROPERTY AT 609  
WESTMORELAND RD. AS PRESENTED IN BOA201718.09."***



FIELD NOTES  
23.909 Acres

BEING all that certain lot, tract, or parcel of land situated in the SAMUEL CLARK SURVEY, ABSTRACT NO. 212, Ellis County, Texas, and being a 23.939 acre tract of land conveyed to Wade and Marilyn Read by deed recorded in Volume 1869, Page 61 of the Official Public Records of Ellis County, Texas (OPREC), and being more particularly described as follows:

BEGINNING at a railroad spike set at the intersection of Hosford Road (a county road) and Westmoreland Road (a county road) for the northeast corner of this tract and the Clark Survey, sold spike being the southeast corner of the John Chapman Survey, Abstract No. 210 and lies in the west line of the James J. Clayton Survey, Abstract No. 211;

THENCE S 00°28'00" E (Dead - Same Bearing, 660 feet), along the east line of this tract and along Hogstrander Road and along the common Clark - Clayton Survey Line, a distance of 1130.17 feet to a railroad spike set for the northeast corner of the 10,000 acre tract of land conveyed by deed recorded in Volume 1611, Page 559, OPRREC;

THENCE S 89°47'41" W (Same as Deed), along the north line of said 10,000 acre tract, passing at 28.34 feet a 1/2" steel rod found (or witness, in all, a distance of 825.14 feet to a 1/2" steel rod found for the southeast corner of this tract and the northwest corner of said 10,000 acre tract and to a point in the east line of tract of land conveyed to SLJ Cornerstone, LTD by deed recorded in Volume 2115, Page 2065 OPRREC;

THRENCE N 00°16'13" W, 1126.26 feet along the west line of this tract and the east line of said 107.811 acre tract to a railroad spike set on the northeast corner of said 107.811 acre tract and in Hosford Road for the northwest corner of this tract;

SURVEYORS CERTIFICATE

TO THE LEIN HOLDERS AND/OR THE OWNERS AND/OR THE PURCHASERS OF THE PREMISES

SURVEYED AND TO: Chicago Title

I hereby certify that in October, 2007, this survey was made on the ground as per the field notes shown on this survey and is true, correct and accurate as to the boundaries and area of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters

Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any encroachments on the subject property, and there are no conflicts of, or obstructions.

I further certify to the following conditions:

1. That no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas, Map # 48133C00080 0.
  2. This survey reflects the above ground (visible) locations of utilities. The surveyor makes no guarantee the utilities shown comprise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey, but has made an attempt to locate as accurately as possible any underground utility indicated by above ground evidence.
  3. Information in parenthesis are from public records (Deed calls).
  4. Boating sources are as per record plan or field notes description. This survey was prepared in conjunction with Chicago Title Title Commitment, C.F. No. 720733-XD. Easements, rights-of-way, or other exceptions noted herein are according to the Schedule B therein. The surveyor has not obstructed the property.
  5. Unless otherwise labeled, all property corners indicated as "Set" are 1/2" diameter steel rods with yellow plastic caps marked (RPLS 4466).

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 4 Survey.

Walter Kevin Davis, R.P.L.S. # 4466  
Davis, Inc. D.B.A.

Walter Kevin Davis, R.P.L.S., # 4466  
Davis & McPhee



ENGINEERS  
&  
SURVEYORS

CONSULTING ENGINEERS - LAND SURVEYORS  
P.O. BOX 428, WAXAHACHIE, TEXAS 75168  
PHONE: (972) 938-1185 FAX (972) 937-0307

ENGINEERS

Date: 6-12-02  
Scale: 1"=100'  
Drawn: KLH  
Job: 207-0623  
Sheet 1  
of 1 sheets

A hand-drawn map of a residential area. The map shows several neighborhoods: BUCKWOOD HILL, COOKELL, GREENWOOD, SILVERWOOD, WESTLAWN, SUBURBAN, HALLOT, HOSFORD, SILVER SPUR, and CARDINAL. A large industrial facility, labeled 'FIRE', is shown in the lower right. A road labeled 'HOLLY ROAD' runs through the area. A 'SITE' is marked with a dashed line. A legend in the bottom right corner shows symbols for 'RESIDENTIAL' (a house), 'COMMERCIAL' (a building), 'INDUSTRIAL' (a factory), and 'WATER' (a water drop).

LOCATION MAP SCALE : 1" = 2000'

## Survey Plat

23.909 Acres

## Samuel Clark Survey

Abstract No. 212

## Ellis County, Texas

COPY

Lot 2-B  
Block B

Replt of Portion of  
Westmoreland Road  
Estates No. 2  
Cab. A, Slide 612  
PRECT

A circular icon with a white arrow pointing upwards, containing the word "NORTH" in capital letters.

Scola "1" = 100'

Lot 1-A

Hosford Road

John Chapman Survey A-210

CITY OF OVILLA  
VOL. 1443, PG. 460 OPRECT

Set R/R Spik:

N 89°33'10" E 921.15

P/F

Fire Hydrant  
Water Valve

Samuel Clark Survey A-212

**TENANT'S CONSENT AFFECTS SUBJECT PROPERTY RECORDED IN VOL 729, PG. 666, DEETR.**

—ENSERCH CORP. - ESMAT-  
Vol. 779, Pg. 517-DRE

N 00°16'13" W 1126.26'

SLJ CORNERSTONE, LTD  
107.811 ACRES  
VOL. 2115, PG. 2065 OPRECT

23.909 ACRES

Original Lot Line

(2 Ac. tract of land)

A diagram showing a circular concrete pad with a small circle labeled 'ATOMS Gas Marker' positioned to its right.

ATMOS Gas Marker  
Electric Line For LSG Co.  
X X X X Water Valve  
CITY OF OVILLA ESMT.  
FILE # 6868 OPRECT  
& VOL 1457, PG. 630 OPRECT

CITY OF OVILLA ESMT.  
FILE # 6868 OPRECT  
VOL. 1457, PG. 630 OPREC

CITY OF OVILLA ESS  
FILE # 6868 OPRE  
& VOL 1457, PG. 630 (

ATMOS Gas Markt

ATMOS Gas Enclosure

CITY OF OMAHA

DL 1457, PG. 121 OPRECT

630

**LEGEND**

- Property Corner Symbol
- Found
- Steel Rod
- Steel Pipe
- Utility Easement
- Utility Pole
- W. - Right of Way
- B. - Point of Beginning
- Centerline
- Drainage Flow
- Spot Elevations

10,000 Acres  
Grace Church of Ovillo  
Vol. 1611, Pg. 559  
OPRECT

CITY OF Ovilla  
& VOL 1457, PG. 121 OPRECT

COPY



COPY

### Accessory Building Permit Checklist

DATE 4-11-18

OWNER De Ford

ADDRESS 609 West Moreland

1. Permit Signed by property owner  Yes  No
2. Use of building storage  Yes  No
3. Plot plan with survey stamp  Yes  No
4. Building Material Brick  Stone Hardiplank  Wood  Other
5. Roof Material metal
6. Door Facing 90' from front of property  Yes  No
7. Height no taller than main dwelling or 25'  Yes  No
8. Location of Building
  - a. 100 ft from front property line  Yes  No
  - b. 5 feet from side property lines  Yes  No
  - c. Behind Rear plane of house  Yes  No
9. Septic tank/aerobic sprinkler spray location  Yes  No
10. Electricity  Yes  No
11. Plumbing  Yes  No
12. Number of buildings on property 1
13. Size of property 23.9 acres
14. Total square footage \_\_\_\_\_ Total square footage allowed \_\_\_\_\_
15. Variance required  Yes  No

Approved  Denied Reason

DATE 4-11-18

NAME Mike Dow

- ① No single Building larger than 4000 sq ft. 3338.0 sq ft  
Chapter 14 30.7 Table 30.A  
30.4
- ② Garage Apartment allowed 500 sq ft.  
permits for 1110 sq ft.  
610 sq ft

## CHAPTER 14

### ZONING

#### 30.6 NUMBER AND SIZE OF ACCESSORY BUILDINGS.

The maximum number of accessory buildings and total square footage of all residential accessory buildings permitted on a lot is shown in Table 30.A Number and Size of Accessory Buildings.

**Table 30.A Number and Size of Accessory Buildings**

<b>Lot Size</b>	<b>Number of Accessory Buildings Permitted</b>	<b>Total Square Footage of All Accessory Buildings</b>
Less than 0.5 Acres	2	3.0% of lot size or 500 feet, whichever is larger, but with a total square footage combined not to exceed 700 feet.
At least 0.05 Acres, but less than 1.0 Acres	2	3.0% of lot size or 700 feet, whichever is larger, but with a total square footage combined not to exceed 1,100 feet.
At least 1.0 Acres, but less than 2.0 Acres	3	2.5% of lot size or 1,100 feet, whichever is larger, but with a total square footage combined not to exceed 1,750 feet.
At least 2.0 Acres, but less than 5.0 Acres	3	2.0% of lot size or 1,750 feet, whichever is larger, but with a total square footage combined not to exceed 3,850 feet, with no single building greater than 2,000 feet.
At least 5.0 Acres, but less than 10.0 Acres	4	1.75% of lot size or 3,850 feet, whichever is larger, but with a total square footage combined not to exceed 6,650 feet, with no single building greater than 3,000 feet.
At least 10.0 Acres	6	1.5% of lot size or 6,650 feet, whichever is larger, but with a total square footage combined not to exceed 8,000 feet, with no single building greater than 4,000 feet



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

---

Definition of Variance from the Ovilla Code of Ordinances adopted by Ordinance 2010.023

***A variance is a relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.***

**Variance.** To authorized upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that is cannot be appropriately developed without such modifications.

This instruction page is provided for your information and assistance in filling out this variance request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following conditions must be found to exist by the Board of Adjustment in order for a variance request to be granted. They are:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. That the special conditions and circumstances do not result from the action of the applicant;
4. The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Case No. BOA 201718.09



## 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.

asking for more square footage to store equipment and accessories.

**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, other properties have accessory buildings.

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

open vacate lot (acreage 23.908) building new home and need additional footage to store equipment and other belongings.

**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, large open piece of property, building will look appropriate with acreage. See plans

**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, accessory buildings are allowed.

The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The burden of showing these conditions is on the applicant. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation.

All conditions are required to be met in order for the board of adjustment to grant your variance. Failure to state how your variance request meets these conditions in your application will result in its return without being submitted to the board of adjustment.



Case No. BOA 20171B.09

## 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):

Survey 212 S. Clark,  
Lot No. Ellis County  
Block No. R-22

Property Address 609 Westmoreland Rd  
Ovilla, Tx

The Applicant, Ronald L. Deford, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 14, Chapter 30.7 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

*Seeking addition square footage for accessory building of 2,000 square feet. Would prefer to build one 6,000 square foot building as opposed to two 4,000 square foot buildings, which would be allowed on this property.*

Has a previously appeal been filed on this property?

YES / NO

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



- Case No. BOA 201718.09

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

Ronald L. Deford

### Mailing Address

4209 Woodfin Dr.

Telephone (Hm) *cell*

Dallas, Tx 75220

### Telephone (Wk)

— 2 (214) 882-9668

Email

---

edaford@defends.com

Applicant's signature

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: RONALD DEFORD  
Address: 609 WESTMORELAND

**Case Number: 201718.09**

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.6 **NUMBER AND SIZE OF ACCESSORY BUILDING** of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

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

**FOR      AGAINST      ABSTAIN**

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

**TOTALS:**

FOR  
 AGAINST  
 ABSTAIN

The variance is hereby:  granted  denied

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## Presiding Officer of BOA

Date

---

**City or Board Secretary**

# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 2

### DISCUSSION & ACTION

Meeting Date: May 21, 2018

Attachments:	
<ul style="list-style-type: none"><li>1. Permit Application</li><li>2. Variance Application with attachments</li><li>3. Findings of Fact</li></ul>	
Agenda Item / Topic:	
ITEM 2. <b>BOA201718.10 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 12.1 DESCRIPTION OF LAND USE TABLE & 11.3 <u>LAND USE TABLE</u> filed by Ronald DeFord for a residential variance to construct garage apartment in excess of the maximum square feet allowed per Ordinance, on his property at 609 Westmoreland Rd.	
Discussion / Justification:	
<b>APPLICANT:</b>	Ronald DeFord
<b>LOCATION:</b>	609 Westmoreland Rd
<b>ZONING:</b>	R22 Residential
<b>Applicant's Proposal:</b> Applicant requests to construct a garage apartment over the allowed square feet.	
<b>Discussion:</b> <b>The Ovilla Code of Ordinances, Chapter 14, Section 12.1, DESCRIPTION OF LAND USE TABLE CONDITIONS AND SPECIAL REGULATIONS</b> states:	
The following describe conditions and special regulations for uses listed in the Permitted Use Table. Additional requirements may be added to these herein by the Planning and Zoning Commission of City Council, as deemed necessary, to protect the health, safety, and general welfare of the citizens of Ovilla. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission and City Council have been met. ( <u>11.3 LAND USE TABLE</u> Attached)	
<b>BOARD DISCUSSION:</b> The Board is allowed to grant a Variance under certain circumstances & after review of the <b>Findings of Fact</b> form.	
<b>NOTICES:</b> One public notice listed in the The Waxahachie Daily Light; 13 certified letters mailed. There have been no responses.	
N/A	

Sample Motion(s):

*"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO RONALD DEFORD AT 609 WESTMORELAND RD., TO CONSTRUCT AN GARAGE APARTMENT IN EXCESS OF THE MAXIMUM ALLOWED AMOUNT PER ORDINANCE ON HIS PROPERTY AT 609 WESTMORELAND RD. AS PRESENTED IN BOA201718.10."*

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Mill Rd.  
Ovilla, Texas 75154

## Residential Building Permit Application

Building Permit Number:				Valuation: <u>\$180,000</u>
Zoning: <u>R-12</u>				Valuation w/land: <u>\$185,000</u>
Project Address:	<u>609 Westmoreland Road</u>			
Lot:	Subdivision:	<u>212 S. Clark, Ellis County</u>		
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>Living quarters and barn</u>			
Description of Work:				
Area Square Feet:	Covered	Porch:	Total:	Number of stories:
Living: <u>1110</u>	<u>4885</u>	<u>1343</u>	<u>7338</u>	<u>1</u>

Homeowner's name:	<u>Ronald L. Deford</u>		
Address:	<u>609 Westmoreland Road</u>		
Contact Number:	<u>(214) 882-9668</u>	Email:	<u>rdeford@deford.com</u>

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Ronald L. Deford</u>	<u>same</u>	<u>(214) 882-9668</u>	<u>—</u>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
<u>Wolverton Air</u>	<u>Matthew Wolverton</u>	<u>(972) 246-2665</u>	<u>TACLA 3A122.C</u>
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
<u>De Borda Electric</u>	<u>Bryan De Borda</u>	<u>(972) 935-0303</u>	
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number
<u>W. Brown Plumbing</u>	<u>Jim Brown</u>	<u>(469) 235-5465</u>	<u>29163</u>

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: R. M. Jack Date: 4/9/18

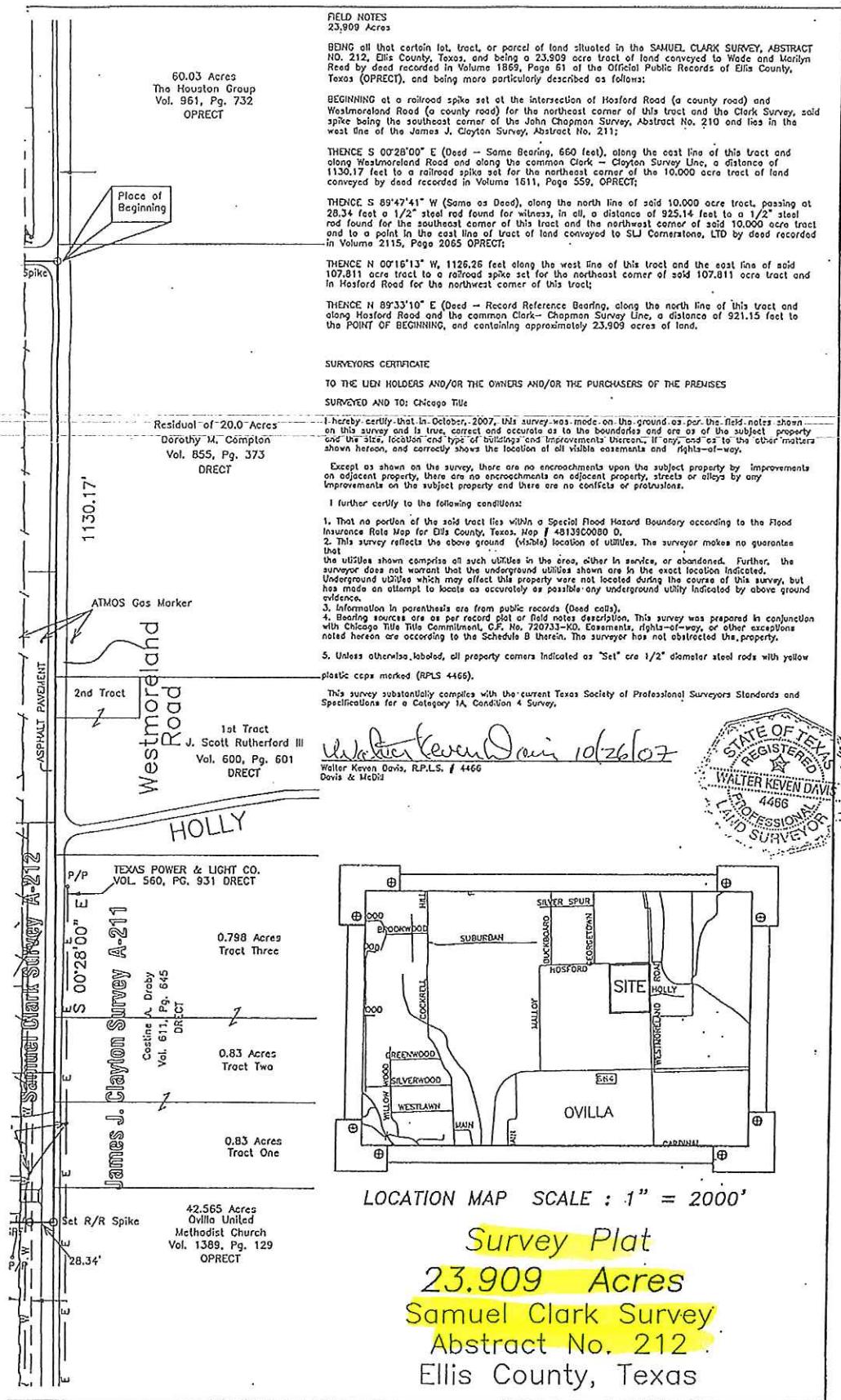
### OFFICE USE ONLY:

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

Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:		Issued Date:
Park Impact Fee:		Expires:
Capital Recovery Fee:		180 Days
Fire Meter:		Issued By:
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		
Sewer Impact:		

**COPY**

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



COPY





COPY

### Accessory Building Permit Checklist

DATE 4-11-18

OWNER De Ford

ADDRESS 609 West Moreland

1. Permit Signed by property owner  Yes  No
2. Use of building storage  Yes  No
3. Plot plan with survey stamp  Yes  No
4. Building Material Brick  Stone Hardiplank  Wood  Other
5. Roof Material metal
6. Door Facing 90' from front of property  Yes  No
7. Height no taller than main dwelling or 25'  Yes  No
8. Location of Building
  - a. 100 ft from front property line  Yes  No
  - b. 5 feet from side property lines  Yes  No
  - c. Behind Rear plane of house  Yes  No
9. Septic tank/aerobic sprinkler spray location  Yes  No
10. Electricity  Yes  No
11. Plumbing  Yes  No
12. Number of buildings on property 1
13. Size of property 23.9 acres
14. Total square footage \_\_\_\_\_ Total square footage allowed \_\_\_\_\_
15. Variance required  Yes  No

Approved  Denied Reason

DATE 4-11-18

NAME Micheal Dorn

① No single Building larger  
Than 4000 sq ft. 3338.40 sq ft  
Chapter 14 30.7 Table 30.A  
30.4

② Garage Apartment  
allowed 500 sq ft.  
Permit for 1110 sq ft.  
610 sq ft

# CHAPTER 14

## ZONING

### 12.1 DESCRIPTION OF LAND USE TABLE CONDITIONS AND SPECIAL REGULATIONS

The following describe conditions and special regulations for uses listed in the Permitted Use Table. Additional requirements may be added to these herein by the Planning and Zoning Commission or City Council, as deemed necessary, to protect the health, safety, and general welfare of the citizens of Ovilla. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission and City Council have been met.

### 11.3 LAND USE TABLE

P = Permitted Use, S = Specific Use Permit, Blank = Prohibited Use

Table 11.A												
City of Ovilla Land Use Table												
Residential							Land Use Descriptions		Nonresidential		Conditions	
R-C	R-E	R-22	R-15	R-D	MF	MH			CR	CG	I	
Residential Uses												
P	P						Agricultural Use		S	S	S	b, h
					P		Apartment		S			d, g
					P		Boarding House		P	P		a
P	P	S	S	S			Caretaker, Guard or Servant Residence or Garage Apartment		S	S	P	b, p

B. A site plan, in accordance with [Section 26](#) Site Plan Requirements, will only be required in districts that require a Specific Use Permit. **NO SITE PLAN IS REQUIRED IN THE RESIDENTIAL ZONING AREA**

P. Accessory Dwelling / Garage Apartments are limited to a maximum of 500 square feet.



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

---

Definition of Variance from the Ovilla Code of Ordinances adopted by Ordinance 2010.023

*A variance is a relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.*

Variance. To authorized upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that is cannot be appropriately developed without such modifications.

This instruction page is provided for your information and assistance in filling out this variance request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following conditions must be found to exist by the Board of Adjustment in order for a variance request to be granted. They are:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. That the special conditions and circumstances do not result from the action of the applicant;
4. The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Case No. BOA 201718.10

### 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, additional living space for garage apartment.*

---

---

**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*

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

*place for family to stay when in town, or visitors etc.*

---

---

**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*

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---

**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.



apartment will not be for rent or lease, no increase in traffic, building will look appropriate for land/property family & friends use only

**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.

garage apartments are permitted in this zoning.

The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The burden of showing these conditions is on the applicant. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation.

All conditions are required to be met in order for the board of adjustment to grant your variance. Failure to state how your variance request meets these conditions in your application will result in its return without being submitted to the board of adjustment.



Case No. BOA 201718.10

## 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. 212 S. Clark Property Address 609 West蒙特兰

Block No. Ellis

Zoning R-22

The Applicant, Ronald L. Deford, 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.

*Seeking additional square footage for garage apartment.*

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

If YES, when was the previous appeal filed? 1



- Case No. BOA20HIB.10

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

Ronald L. DeFord

### Mailing Address

4209 Woodfin Dr

Telephone (Hm) *cel*

Dallas, Tx 75220

### Telephone (Wk)

## 1.6.1.1.1

Email

rdeford@defords.com

Applicant's signature

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: RONALD DEFORD  
Address: 609 WESTMORELAND

Case Number: 201718.10

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 11.3 LAND USE TABLE of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

BOA Members present, and upon a record vote of:

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

TOTALS:

— FOR  
— AGAINST  
— ABSTAIN

The variance is hereby: \_\_\_\_\_ granted \_\_\_\_\_ denied

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

\_\_\_\_\_  
Date

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

# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

### Item: 3

#### DISCUSSION & ACTION

Meeting Date: May 21, 2018

Attachments:	
None	
Agenda Item / Topic:	
<b>ITEM 3.</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	