

## AGENDA

Board of Adjustment Meeting  
105 S. Cockrell Hill Road, Ovilla, Texas 75154  
July 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, July 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

*Statement of Appointed Officer & Oath of Office to be conducted for New member Patricia Halyard-King as well as Incumbent members Ozzie Molina PL2 & Sandra Cawley PL4, prior to meeting*

### Consent Items

♦ Minutes of the May 21, 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.** **DISCUSSION/ACTION – Consider nominations and appointment of Chair to the Board of Adjustment.**

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

**ITEM 3.** **BOA201718.11 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 **CONSTRUCTION MATERIAL** filed by Tracy & Marshay White for a residential variance to construct an accessory building out of metal without meeting the allowed amount of acreage per Ordinance, on their property at 106 Lariat Trail.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Tracy & Marshay White.

**ITEM 4.** **BOA201718.12 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 **CONSTRUCTION MATERIAL** filed by Tracy & Marshay White for a residential variance to construct an accessory building out of metal without meeting the allowed amount of acreage per Ordinance, on their property at 106 Lariat Trail.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Tracy & Marshay White.

**ITEM 5.** **BOA201718.13 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Daniel Sims for a residential special exception to construct a fence on or beyond the building line which is not allowed per Ordinance, on his property at 207 Willowwood Ln.

**DISCUSSION/ACTION – Consideration** of requested **Special Exception** filed by Daniel Sims.

**ITEM 6.** **BOA201718.14 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Wes & Belinda Wadsworth for a residential variance to construct an accessory building that is not behind the rear plane of the main dwelling which is not allowed per Ordinance, on his property at 1211 Red Oak Creek Ln.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Wes & Belinda Wadsworth.

**ITEM 7.** **BOA201718.15 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5, CONSTRUCTION MATERIAL filed by Daniel Rydberg for a residential variance to construct an accessory building that is made of metal material which is not allowed per Ordinance, on his property at 704 Buckboard St.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Daniel Rydberg.

**ITEM 8.** **BOA201718.16 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORT filed by Daniel Rydberg for a residential variance to construct a detached carport accessory building which is not allowed per Ordinance, on his property at 704 Buckboard St.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Daniel Rydberg.

**ITEM 9.** **BOA201718.17 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Table 30.A, OTHER ACCESSORY BUILDINGS filed by Daniel Rydberg for a residential variance to construct an accessory building that is larger than allowed amount per square footage which is not allowed per Ordinance, on his property at 704 Buckboard St.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Daniel Rydberg.

**ITEM 10.** **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

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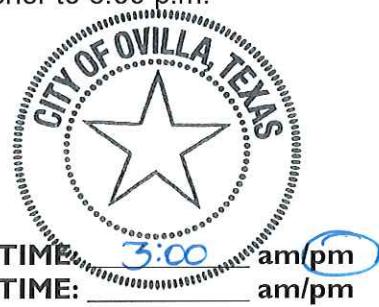
**Adjournment**

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **July 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 July 2018, prior to 6:00 p.m.

*Glennell Miller*  
\_\_\_\_\_  
Glennell Miller

Deputy City Secretary

**DATE OF POSTING:** JULY 13, 2018



**TIME:** 3:00 **am/pm**

**TIME:** am/pm

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

**CITY OF OVILLA MINUTES**  
**Monday, May 21, 2018**  
**Board of Adjustment Meeting**

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:02 p.m. with the following BOA members present, thus constituting a quorum:

Carol Richtsmeier	Board Member
Richard Ware	Board Member
Barbara Betik	Board Member
Sandra Cawley	Board Member
Stephanie Heimbuch	Board Member (Alt.)

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 was noted absent. Alt. Board Member Stephanie Heimbuch was in attendance but made aware of no counted vote due to established quorum.

The Pledge of Allegiance was led at this time.

**CONSENT ITEMS**

- Minutes of the April 16, 2018 BOA Meeting

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

PL7 Heimbuch seconded the motion.

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

**Individual Consideration**

**&**

**PUBLIC HEARING**

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

**ITEM 1.**    ***DISCUSSION/ACTION - 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.

**ITEM 2.**    ***DISCUSSION/ACTION - 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.

**CITY OF O'VILLA MINUTES**  
**Monday, May 21, 2018**  
**Board of Adjustment Meeting**

**Chair Richtsmeier read aloud the captioned requests (both Item 1 & Item 2) and opened the Public Hearings at 7:08 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. He stated that the home/main dwelling has not been completed as of yet, but that it was in process. The main dwelling is to be 3500 square feet. The requested structure to be built will be used for storage. He has restored cars, as well as farming equipment.

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

The applicant, Mr. DeFord explained to the Board that the building was to be 6000 square feet. He continued with his explanation that it will be 975 feet off of Hosford Lane. He also reassured the Board and Public in attendance that it would never be leased out for the additional space/apartment located in the building. The only people that would be able to stay would be immediate family, and it would just be visits, not long term. He reiterated that he has a lot of equipment to store, and cars that have been restored and need to be kept secure and out of the weather. He explained the home would have a garage as well, but it was not going to be enough space for all mentioned.

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

1. Archie Kemper – 801 Hosford Lane – no facts in the case – but knows applicant is an “awesome neighbor”
2. Mr. Barber – 610 Westmoreland – very happy to be his neighbor
3. Joe Guzman – 600 Georgetown – no objection, in support

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

None

**(Rebuttal or Final Comments:)**

None

**The Public Hearing was closed at 7:31 p.m.**

**INDIVIDUAL CONSIDERATION BOA201718.09**

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

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.

PL7 Heimbuch moved that the BOA **APPROVE** the request for Ronald DeFord for a variance to construct an accessory building that is in access of the main dwelling located on his property at 609 Westmoreland Rd. as presented in BOA201818.09.

Vice Chair Ware seconded the motion.

**CITY OF OVILLA MINUTES**  
**Monday, May 21, 2018**  
**Board of Adjustment Meeting**

**Record Vote:**

RICHTSMEIER	<u>AYE</u>
BETIK	<u>AYE</u>
CAWLEY	<u>AYE</u>
WARE	<u>AYE</u>
MOLINA	<u>ABSENT</u>
HEIMBUCH	<u>NO VOTE</u>

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

**INDIVIDUAL CONSIDERATION BOA201718.10**

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

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

PL7 Heimbuch moved that the BOA **APPROVE** the Variance to Ronald DeFord at 609 Westmoreland Rd. to construct a garage apartment in excess of the maximum square feet allowed on his property as presented in BOA 201718.10.

Vice Chair Ware seconded the motion.

**Record Vote:**

RICHTSMEIER	<u>AYE</u>
BETIK	<u>AYE</u>
CAWLEY	<u>AYE</u>
WARE	<u>AYE</u>
MOLINA	<u>ABSENT</u>
HEIMBUCH	<u>NO VOTE</u>

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

**ITEM 3. Consideration** of any item(s) pulled from the Consent Agenda above for individual consideration and action. ***There were none.***

**Adjournment** There being no further business, Chair Richtsmeier adjourned the meeting at 8:23 p.m.

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Carol Richtsmeier, Chair

ATTEST:

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Glennell Miller, Board Secretary  
**Attachment(s):** *Findings-of-Fact (2)*

***Approved on July 16, 2018***



## 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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	ABSENT		
Alt. Member Stephanie Heimbuch	NO VOTE		
Alt. Member Vacant			

TOTALS:

4 FOR  
0 AGAINST  
0 ABSTAIN

The variance is hereby: ✓ granted        denied

Presiding Officer of BOA

Date

City or Board Secretary



## 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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	ABSENT		
Alt. Member Stephanie Heimbuch	NO VOTE		
Alt. Member Vacant			

**TOTALS:**

4      FOR  
0      AGAINST  
0      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: 1

#### DISCUSSION & ACTION

Meeting Date: July 16, 2018

##### Attachments:

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

##### Agenda Item / Topic:

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

##### Discussion / Justification:

Chapter 14, Section 45.2 & 45.4, of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice-chair. The chair and vice-chair will serve for a term of one year or until a successor is appointed.

##### Recommendation / Staff Comments:

N/A

##### Sample Motion(s):

**I NOMINATE \_\_\_\_\_ TO SERVE AS CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**ANY OTHER NOMINATIONS?**

**"I MAKE THE MOTION THAT THE COMMISSION APPOINTS \_\_\_\_\_ AS CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."**

## Section 44 - Completion of Buildings Under Construction

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

## Section 45 - Zoning Board of Adjustment

### 45.1 ESTABLISHMENT

A. Composition. A Zoning Board of Adjustment is hereby established and shall consist of five regular members and two alternate members to be appointed by the City Council. Each member shall be appointed for a term of two years by the City Council. Alternate members shall serve in the absence of regular member(s) in keeping with rules and procedures adopted by the Zoning Board of Adjustment.

B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the city council for the unexpired term of the member affected.

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

D. Cause for Removal. Cause for removal shall include missing more than two consecutive meetings or three meetings in any one twelve (12) month period or such other misconduct as the City Council may establish by resolution.

### 45.2 TERMS OF OFFICE

A. Terms. Each member shall serve a term of office of two years. After the expiration of a two year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the first Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the first Monday in June of each even-numbered year.

B. Places. The members of the Board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years.

### 45.3 PROCEDURE

#### A. Meetings.

1. The Board shall hold an organizational meeting on the first Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.

2. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.
3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

B. Minutes. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board, and which shall not become effective unless the Board has furnished a copy of the rules to the City Administrator.

C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.

D. Quorum. A quorum for the conduct of business shall consist of four members of the Board.

E. Misconduct. The members of the Board shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences or such other misconduct as the Council may specify by resolution shall constitute grounds for dismissal.

#### 45.4

#### OFFICERS

A. Duties. Duties of the officers shall be as follows:

1. The chair shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
2. The vice-chair shall assist the chair in directing the affairs of the Board and act in the absence of the chair.

B. Term. Officers will serve for a term of one year or until a successor is appointed.

#### 45.5

#### POWERS OF THE BOARD

The Zoning Board of Adjustment shall have the powers and exercise the duties of a Zoning Board of Adjustment in accordance with Section 211.008 of the Texas Local Government Code. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Zoning Board of Adjustment shall have the following powers and duties:

A. Interpretation. To render an interpretation of the zoning regulations or the manner of their application where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the administration of this ordinance. In reaching its decisions, the Board shall establish guidelines for future administrative action on like matters.

# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

### Item: 2

#### DISCUSSION & ACTION

Meeting Date: July 16, 2018

##### Attachments:

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

##### Agenda Item / Topic:

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

##### Discussion / Justification:

Chapter 14, Section 45.2 & 45.4, of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice-chair. The chair and vice-chair will serve for a term of one year or until a successor is appointed.

##### Recommendation / Staff Comments:

N/A

##### Sample Motion(s):

**I NOMINATE \_\_\_\_\_ TO SERVE AS VICE CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**ANY OTHER NOMINATIONS?**

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

## Section 44 - Completion of Buildings Under Construction

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

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B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the city council for the unexpired term of the member affected.

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

D. Cause for Removal. Cause for removal shall include missing more than two consecutive meetings or three meetings in any one twelve (12) month period or such other misconduct as the City Council may establish by resolution.

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### 45.3 PROCEDURE

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C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.

D. Quorum. A quorum for the conduct of business shall consist of four members of the Board.

E. Misconduct. The members of the Board shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences or such other misconduct as the Council may specify by resolution shall constitute grounds for dismissal.

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## 45.5

### POWERS OF THE BOARD

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A. Interpretation. To render an interpretation of the zoning regulations or the manner of their application where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the administration of this ordinance. In reaching its decisions, the Board shall establish guidelines for future administrative action on like matters.



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 3

### DISCUSSION & ACTION Meeting Date: July 16, 2018

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
<b>ITEM 3.</b> <b>BOA201718.11 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 <b>CONSTRUCTION MATERIAL</b> filed by Tracy & Marshay White for a residential variance to construct a metal accessory building on less than two acres of property which is not allowed per Ordinance, on his property at 106 Lariat Trail.	
Discussion / Justification:	
<b>APPLICANT:</b>	Tracy & Marshay White
<b>LOCATION:</b>	106 Lariat Trail
<b>ZONING:</b>	RE Residential
<b>Applicant's Proposal:</b> Applicant requests to construct a metal accessory building on less than the minimum allowed two (2) acres per Ordinance.	
<b>Discussion:</b> <b>The Ovilla Code of Ordinances, Chapter 14, Section 30.5, CONSTRUCTION MATERIALS, states:</b> Metal. An accessory building may be constructed of commercial grade metal 'r' or 'u' panels (minimum 26 gauge) if the lot size on which the building is constructed is two (2) acres or greater.	
<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 Ellis County Press; 8 certified letters mailed. There have been no responses.	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT THE BOA GRANTS &amp; APPROVES/DENIES THE VARIANCE TO TRACY &amp; MARSHAY WHITE AT 106 LARIAT TRAIL TO CONSTRUCT A METAL ACCESSORY BUILDING ON LESS THAN THE REQUIRED TWO ACRE MINIMUM PER ORDINANCE ON THEIR PROPERTY AT 106 LARIAT TRAIL. AS PRESENTED IN BOA201718.11."</b>	

# 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:	Valuation: <u>\$15 006.75</u>
Zoning:	Valuation w/land:
Project Address: <u>106 Cariet Trail</u>	
Lot: <u>4</u>	Subdivision:
Project Description:	NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____
PLUMBING/ELECTRICAL <input type="checkbox"/> FLATWORK <input type="checkbox"/> SPRINKLER <input type="checkbox"/>	SWIMMING POOL <input type="checkbox"/> ACCESSORY BUILDING <input checked="" type="checkbox"/> FENCE <input type="checkbox"/>
Proposed Use: <u>STORAGE BLD'G.</u>	
Description of Work:	
Area Square Feet: _____	Covered _____
Living: _____	Garage: _____ Porch: _____ Total: _____ Number of stories: _____

Homeowner's name: <u>Tracy &amp; Marshay White</u>	
Address: <u>106 Cariet trail</u>	
Contact Number: <u>214-534-0969</u>	Email: <u>Marshay White@gmail.com</u>

General Contractor <u>Self</u>	Contact Person _____	Phone Number _____	Contractor License Number _____
Mechanical Contractor	Contact Person _____	Phone Number _____	Contractor License Number _____
Electrical Contractor	Contact Person _____	Phone Number _____	Contractor License Number _____
Plumber/Irrigator	Contact Person _____	Phone Number _____	Contractor License Number _____

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

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

Signature of Applicant: Marshay White Date: 6-11-18

### 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: \_\_\_\_\_

**COPY**

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

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

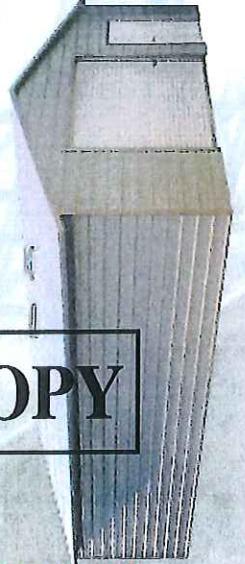
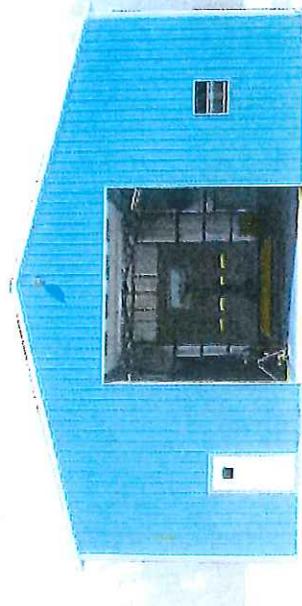
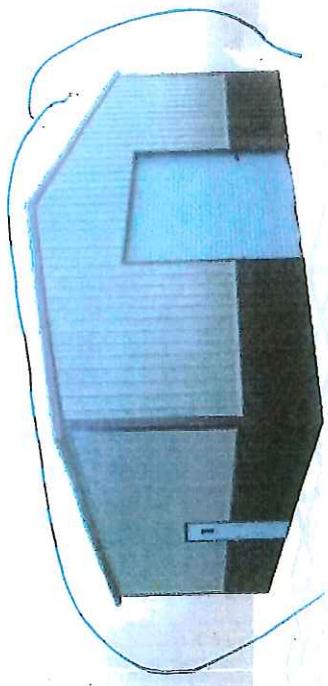
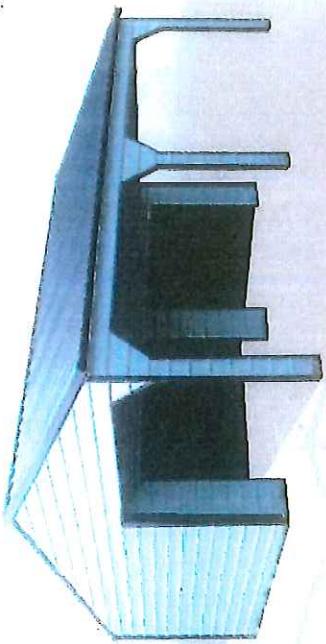
Water Impact: \_\_\_\_\_

**BOA 201718.11**

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

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





## OPTION 1

100

Q. 2

UN-CERTIFIED  CERTIFIED  
 REGULAR  4-FRAME  
 HORIZONTAL  VERTICAL  
 LEG HEIGHT 9 1/2

**TOTAL** 5006.25

## OPTION 2

10

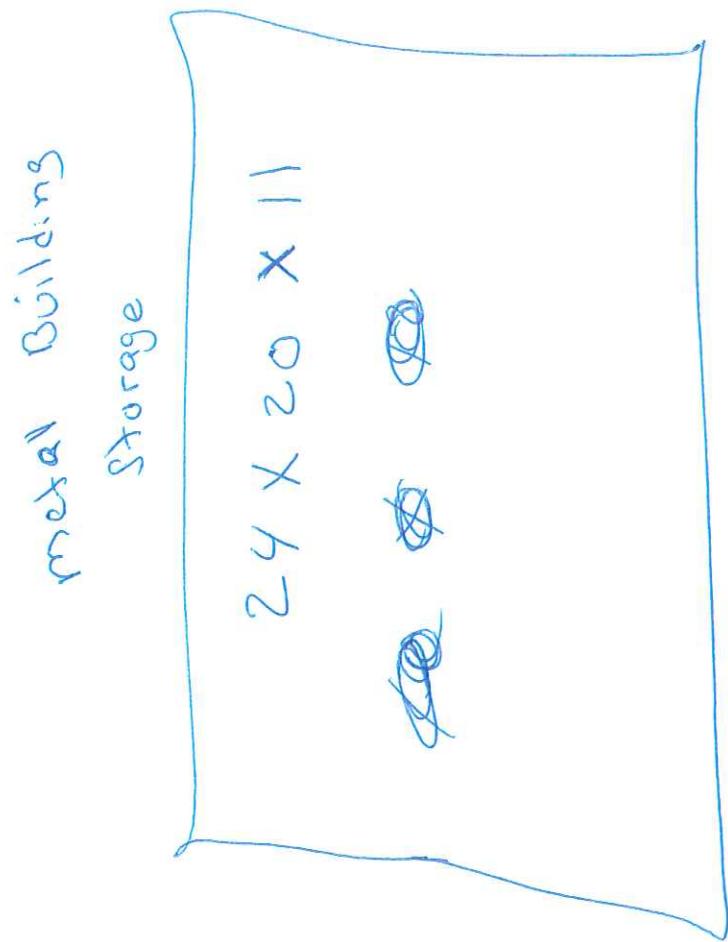
<u>43</u>	<u>X</u>	<u>21</u>		
<b>BASE</b>	<input checked="" type="checkbox"/>	<b>UN-CERTIFIED</b>	<input type="checkbox"/>	<b>CERTIFIED</b>
	<input checked="" type="checkbox"/>	<b>REGULAR</b>	<input checked="" type="checkbox"/>	<b>A-FRAME</b>
	<input checked="" type="checkbox"/>	<b>HORIZONTAL</b>	<input checked="" type="checkbox"/>	<b>VERTICAL</b>
	<input checked="" type="checkbox"/>	<b>TECH HEIGHT</b>	<u>12.57</u>	<u>7</u>

TOTAL

14. 17/15 +



BOA 201718.1



**COPY**

BOA 201718.11



## Accessory Building Permit Checklist

DATE 6-11-18

OWNER White

ADDRESS 104 Lariat Trail

1. Permit Signed by property owner	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2. Use of building	<u>accessory</u>	
3. Plot plan with survey stamp	<input checked="" type="radio"/> Yes	<input type="radio"/> No
4. Building Material	<u>metal</u>	Brick   Stone   Hardiplank   Wood   Other
5. Roof Material	<u>metal</u>	
6. Door Facing 90' from front of property	<input checked="" type="radio"/> Yes	<input type="radio"/> No
7. Height no taller than main dwelling or 25'	<input checked="" type="radio"/> Yes	<input type="radio"/> No
8. Location of Building		
a. 100 ft from front property line	<input checked="" type="radio"/> Yes	<input type="radio"/> No
b. 5 feet from side property lines	<input checked="" type="radio"/> Yes	<input type="radio"/> No
c. Behind Rear plane of house	<input checked="" type="radio"/> Yes	<input type="radio"/> No
9. Septic tank/aerobic sprinkler spray location	<input checked="" type="radio"/> Yes	<input type="radio"/> No
10. Electricity	<input checked="" type="radio"/> Yes	<input type="radio"/> No
11. Plumbing	<input checked="" type="radio"/> Yes	<input type="radio"/> No
12. Number of buildings on property	<u>3</u>	
13. Size of property	<u>1.9</u>	
14. Total square footage	<u>280</u>	Total square footage allowed <u>1750</u>
15. Variance required	<input checked="" type="radio"/> Yes	<input type="radio"/> No

Approved  Denied  Reason

DATE 6-11-18

NAME M. M. S.

BOA 20118.11

### **30.2 PERMIT REQUIRED**

A person commits an offense if a person constructs or permits to be constructed an accessory building without a building permit. Accessory buildings that exceed sixty (60) square feet and/or seven feet in height shall require a building permit.

### **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.

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

### **30.4 HEIGHT**

A residential accessory building shall be limited to the height of the main dwelling or twenty-five (25') feet, whichever is less.

(Ordinance 2010.013 adopted 6/14/10)

### **30.5 CONSTRUCTION MATERIAL**

A. Residential Accessory. Except as provided by subsection B, a residential accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, wood, or UV Protected, double-walled, high density polyethylene plastic with simulated finishes of wood or masonry, and with steel reinforced construction and steel trusses. (Ordinance 2011-026 adopted 11/14/11)

B. Greenhouse. Glass or clear plastic may be used for the construction of a greenhouse.

C. Metal. An accessory building may be constructed of commercial grade metal 'r' or "u" panels (minimum 26 gauge) if the lot size on which the building is constructed is two (2) acres or greater.

### **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.

BOA 201718.11



## 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 201710.11



## 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.

Metal tends to last longer and is easier to maintain. We plan to match all buildings the same color.

**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.

The neighbors all have metal buildings. Would like to make our buildings similar to their design.

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

Requesting metal because it lasts longer and is easier to maintain.

**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.

In harmony with the neighborhood. Would like to be similar to neighbors.

**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.

Accessory buildings are allowed in this district.

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. BoAZ0718.11

## 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. 4

Property Address 106 Lariat Trail

Block No. A

Ovilla, TX 75154

Zoning RE

The Applicant, Tracy/ Marshell White, of Dallas County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article       , Chapter 14, Section 35.5C of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

To use metal as an accessory building.

Has a previously appeal been filed on this property?

YES  NO

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



- Case No. BOA 201718. 11

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 Tracy White

Mailing Address 106 Cariat Trail

Ovilla, TX 75154

Telephone (Hm) 912/215/9337

Telephone (Wk) \_\_\_\_\_

Email Tracy013@yahoo.com

Tracy White

Applicant's signature

6/11/18

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: TRACY & MARSHAY WHITE  
Address: 106 LARIAT TRAIL

**Case Number: 201718.11**

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.5 **CONSTRUCTION MATERIAL** 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 Patricia Halyard-King			

**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: 4

### DISCUSSION & ACTION Meeting Date: July 16, 2018

#### Attachments:

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

#### Agenda Item / Topic:

**ITEM 4.** **BOA201718.12 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 **CONSTRUCTION MATERIAL** filed by Tracy & Marshay White for a residential variance to construct a metal accessory building on less than two acres of property which is not allowed per Ordinance, on his property at 106 Lariat Trail.

#### Discussion / Justification:

**APPLICANT:** Tracy & Marshay White  
**LOCATION:** 106 Lariat Trail  
**ZONING:** RE Residential

**Applicant's Proposal:** Applicant requests to construct a metal accessory building (barn) for horses on less than the minimum allowed two (2) acres per Ordinance.

**Discussion:** **The Ovilla Code of Ordinances, Chapter 14, Section 30.5, CONSTRUCTION MATERIALS, states:**

Metal. An accessory building may be constructed of commercial grade metal 'r' or 'u' panels (minimum 26 gauge) if the lot size on which the building is constructed is two (2) acres or greater.

**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 Ellis County Press; 8 certified letters mailed. There have been no responses.

#### Sample Motion(s):

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO TRACY & MARSHAY WHITE AT 106 LARIAT TRAIL TO CONSTRUCT A METAL ACCESSORY BUILDING (BARN) ON LESS THAN THE REQUIRED TWO ACRE MINIMUM PER ORDINANCE ON THEIR PROPERTY AT 106 LARIAT TRAIL. AS PRESENTED IN BOA201718.12."**

# City of Ovilla

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

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

## Residential Building Permit Application

Building Permit Number:				Valuation: <u>4715.00</u>
Zoning:				Valuation w/land:
Project Address:	<u>106 LARIAT TRAIL</u>			
Lot: <u>4</u>	Subdivision:			
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: _____	
	PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>	
	SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input checked="" type="checkbox"/>	FENCE <input type="checkbox"/>	
Proposed Use:	<u>Horse barn</u>			
Description of Work:				
Area Square Feet:	Covered			
Living: _____	Garage: _____	Porch: _____	Total: _____	Number of stories: _____

Homeowner's name:	<u>Troy/ Marsha White</u>		
Address:	<u>106 Lariat Trail Ovilla, Tx 75154</u>		
Contact Number:	<u>972/215/9337</u>	Email:	<u>Tcabo13@yahoo.com</u>

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Sel S</u>			
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: Troy White Date: 6/11/18

### OFFICE USE ONLY:

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

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

Receipt # \_\_\_\_\_

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

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

Expires: \_\_\_\_\_

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

180 Days  
**COPY**

**BOA 201718.12**

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

STADIA  
LAND SURVEYING INC.

DATE: 02 / 10 / 09

No. 106 LARIAT TRAIL in the city of OVILLA Texas.  
Lot No. 4 Block No. A of WESTMORELAND ROAD ESTATES an addition to the  
City of OVILLA, DALLAS COUNTY Texas, according to the MAP OR PLAT  
thereof recorded in VOLUME 71184, PAGE 1913 MAP records DALLAS County, Texas.



## LARIAT TRAIL

(60° R.O.W.)

THE PLAT HEREON IS A REPRESENTATION OF THE PROPERTY, AS DETERMINED BY THE GROUND SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF ABOVE GROUND BUILDINGS AND ABOVE GROUND IMPROVEMENTS ARE AS SHOWN, ALL ABOVE GROUND IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY AS SHOWN.  
EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

Scale 1" = 60' This survey was performed EXCLUSIVELY for and in connection with  
the transaction described in G.F. No. RT091554  
of BRENDAN GOWING

Date 02 / 10 / 09  
0234-09

JOB No: 0234-05

This survey was performed EXCLUSIVELY for and in connection with  
the transaction described in G.F. No. **RT091554**  
of **BRENDAN GOWING**  
Title Company, Use of this survey as any other purpose or by any other  
parties shall be strictly prohibited as this survey is a copyright owned by  
**STADIA LAND SURVEYING, INC.**, and all other uses are forbidden,  
without prior written consent of **STADIA LAND SURVEYING, INC.** ©

JIMMY E. POGUE  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5592

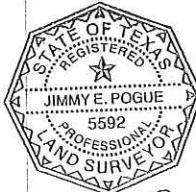
STADIA LAND SURVEYING, INC.

P.O. BOX 1886

RED OAK, TEXAS 75154

PHONE (972) 617-9988  
FAX: (972) 617-6802

FAA (774) 017 - 0002



George E. Poage

BOA 201718.12

Model

Forces

Boat

42 + 12 + 2h

BOA 201718.12

**COPY**

## THINGS TO REMEMBER

- It is always a good idea to check with your local building code department for any local area codes and building requirements that you need to consider.
- Plan for the future!!! An extra 5' of frame length or 1' taller leg will let you grow in case you need it later.

- The "Fine Print" ... Make sure to read the Terms and Conditions for invaluable information regarding the process of owning an industrial metal structure.

## WHILE YOU WAIT...

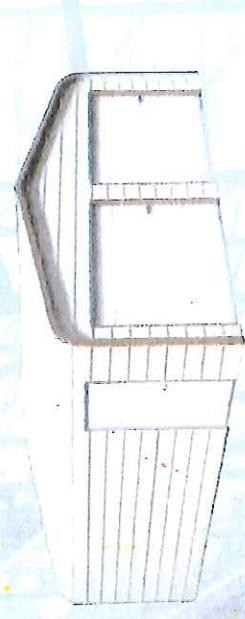
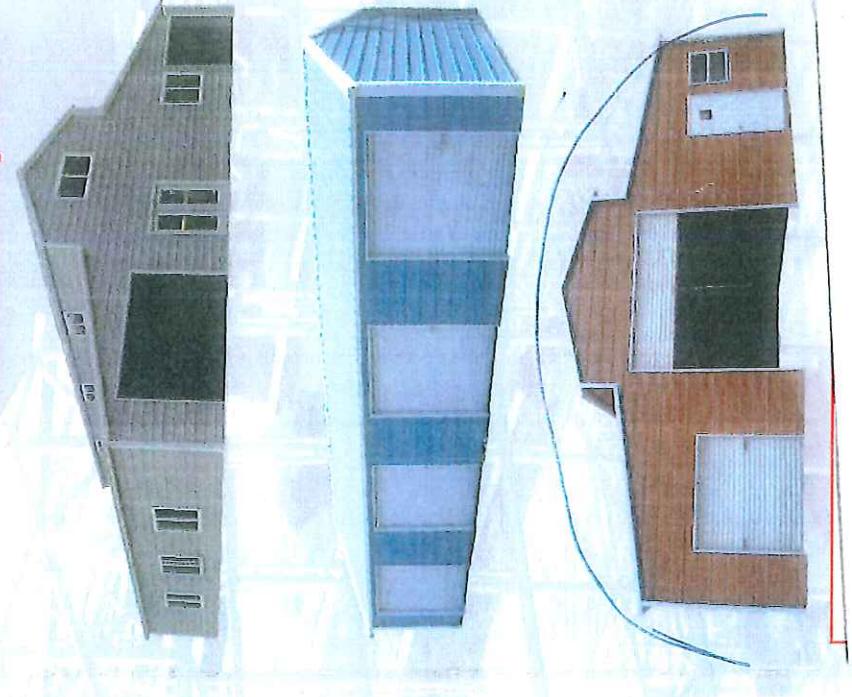
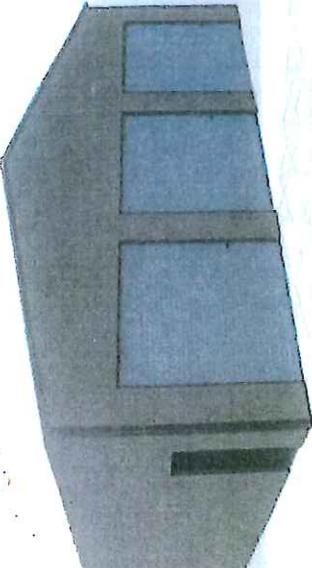
- With all the excitement it is easy to forget but make sure to tidy up at your install site. Remove personal belongings and ensure the site is flat and level!!!
- Mark off your installation site with landscape flags or paint if you cannot be on-hand for the installation. Be sure to mark underground electrical, water, or gas lines for safety.

## DON'T FORGET!!!

- We use galvanized 14ga and 12ga tubing along with 29ga sheet metal with the best quality control process in the industry.

- Ask your dealer about vertical roofs or our certified buildings that withstand the elements and meet local building codes.

- We make clear span buildings up to 100' wide for any industrial need.



**TNT CARPORTS, INC.**



Johnny Smithwick  
Location Manager

1523 S. Beckley Rd.  
Glenn Heights, TX 75354  
Mon-Sat: 8:30am - 5:30pm  
Sun: Closed

Family Owned and Operated since 1981

Office 972-236-9030  
Cell 903-752-2800  
johnny@atlasbackyardsheds.com  
www.atlasbackyardsheds.com

SLATE BLUE  
RAWHIDE  
WHITE  
EARTH BROWN  
BARN RED  
PEBBLE BEIGE  
WHITE  
PEWTER GRAY  
BLACK  
SAND-STONE  
QUAKER GRAY  
BUR-GUNDY  
CLAY  
EVER-GREEN

Mix & Match Base  
& Trim Colors  
From Our Standard  
13 Colors:



## Accessory Building Permit Checklist

DATE 6-11-18

OWNER White

ADDRESS 106 Lariat Trail

1. Permit Signed by property owner Yes Yes No
2. Use of building Barn - Horses
3. Plot plan with survey stamp Yes Yes No
4. Building Material Brick Stone Hardiplank Wood Other metal
5. Roof Material metal
6. Door Facing 90' from front of property Yes Yes No
7. Height no taller than main dwelling or 25' Yes Yes No
8. Location of Building
  - a. 100 ft from front property line Yes Yes No
  - b. 5 feet from side property lines Yes Yes No
  - c. Behind Rear plane of house Yes Yes No
9. Septic tank/aerobic sprinkler spray location Yes Yes No
10. Electricity Yes No
11. Plumbing Yes No
12. Number of buildings on property 1
13. Size of property 1.93 acres
14. Total square footage 882 Total square footage allowed 1750
15. Variance required Yes No

Approved

Denied

Reason -

less than 2 acres

Less than 2 acres metal  
is not allowed.

DATE

6-18-18

NAME

Mike Dooley

BOA 20171B.12

**30.2 PERMIT REQUIRED**

A person commits an offense if a person constructs or permits to be constructed an accessory building without a building permit. Accessory buildings that exceed sixty (60) square feet and/or seven feet in height shall require a building permit.

**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.

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

**30.4 HEIGHT**

A residential accessory building shall be limited to the height of the main dwelling or twenty-five (25') feet, whichever is less.

(Ordinance 2010.013 adopted 6/14/10)

**30.5 CONSTRUCTION MATERIAL**

A. Residential Accessory. Except as provided by subsection B, a residential accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, wood, or UV Protected, double-walled, high density polyethylene plastic with simulated finishes of wood or masonry, and with steel reinforced construction and steel trusses. (Ordinance 2011-026 adopted 11/14/11)

B. Greenhouse. Glass or clear plastic may be used for the construction of a greenhouse.

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**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.

BOA 201718.12



## 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 20171B.12



## 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.

Wanting a metal building for rooks, also longevity of the building  
Neighbors also have a metal building, want to match, everything  
to match.

**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.

Neighbors have metal buildings would like  
to have our building match their design

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

longer lasting material, better point. Do not have  
worry about rotting wood.

**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.

Will be in harmony with neighbors building.

**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.

Assessey buildings are allowed in our district

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.12

## 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. 4 Property Address 106 Lariat Trail  
Block No. A Ovilla TX 75154  
Zoning RE

The Applicant, Tracy & Marney White, of Dallas County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article       , Chapter 14, Section 35.5C of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

Use metal for Accessory building.

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

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



• Case No. BOA 201718.12

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot/site plan
3. Completed all sections of the application

I authorize \_\_\_\_\_ of \_\_\_\_\_  
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name Tracy & Marshay White

Mailing Address 106 Lariat trail

Telephone (Hm) cell 214-534-0969

Telephone (Wk) cell 972-215-9337

Email Marshay.White@gmail.com

Marshay White 6-11-18  
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: TRACY & MARSHAY WHITE  
Address: 106 LARIAT TRAIL

**Case Number: 201718.12**

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.5 CONSTRUCTION MATERIAL 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**

<b>Member Carol Richtsmeier</b>			
<b>Member Richard Ware</b>			
<b>Member Barbara Betik</b>			
<b>Member Sandra Cawley</b>			
<b>Member Ozzie Molina</b>			
<b>Alt. Member Stephanie Heimbuch</b>			
<b>Alt. Member Patricia Halyard- King</b>			

**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: 5

### DISCUSSION & ACTION

Meeting Date: July 16, 2018

#### Attachments:

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

#### Agenda Item / Topic:

**ITEM 5.** **BOA201718.13 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Daniel Sims for a residential special exception to construct a fence on or beyond the building line which is not allowed per Ordinance, on his property at 207 Willowwood Ln.

#### Discussion / Justification:

**APPLICANT:** Daniel & Gina Sims  
**LOCATION:** 207 Willowwood Ln.  
**ZONING:** RE Residential

**Applicant's Proposal:** Applicant requests to construct a fence that is on or beyond the property 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 Ellis County Press; 13 certified letters mailed. There have been no responses.

#### Sample Motion(s):

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO DANIEL & GINA SIMS AT 207 WILLOWWOOD LN. TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON THEIR PROPERTY AT 207 WILLOWWOOD LN. AS PRESENTED IN BOA201718.13."**

# 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:	Valuation:		
Zoning:	Valuation w/land:		
Project Address:	207 Willow Wood		
Lot:	Subdivision:		
Project Description:	<input type="checkbox"/> NEW SFR <input type="checkbox"/> PLUMBING/ELECTRICAL <input type="checkbox"/> SWIMMING POOL	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <input type="checkbox"/> SPRINKLER <input type="checkbox"/> FENCE
Proposed Use:	fence		
Description of Work:	replace old		
Area Square Feet:	Covered	Porch:	Total:
Living:	Garage:		Number of stories:

Homeowner's name:	Daniel Sims		
Address:	207 Willowwood Ln Ovilla Tx 75154		
Contact Number:	214-679-6719 Email		

General Contractor	Contact Person	Phone Number	Contractor License Number
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\*\*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: Cooley Sims Date: 6/4/18

### 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: 180 Days

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

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

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

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

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

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

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

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

BOA 201718.13



# Residential Building Permit Application

**City of Ovilla**

**COPY**

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

Building Permit #	2018-6175	Valuation:	\$2,000.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	207 WILLOW WOOD LN	Subdivision:	
Lot:	Block:		
<b>Project Description:</b>			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building		
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence	Yes	
Other	Specify Other:		
Proposed Use:	FENCE		
Description of Work:	FENCE - 6` CEDAR W/ METAL POSTS		
<b>Area Square Feet:</b>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

#### **Homeowner Details**

Name: DANIEL R & GINA J SIMS  
Address: 207 WILLOWWOOD LN, OVILLE, TX 75154  
Phone # (214) 674-6210 Email:

#### **Applicant Details**

Applicant Type:  
Name: DANIEL SIMS  
Address: 207 WILLOW WOOD LN OVILLE, TX 75154  
Phone # (214) 674-6210 Email:

*RE-25  
Signature*

COPY

**General Contractor Details**

License #

Name:

Phone # Email:

**Mechanical Contractor Details**

License #

Name:

Phone # Email:

**Electrical Contractor Details**

License #

Name:

Phone # Email:

**Plumber/Irrigator Details:**

License #

Name:

Phone # Email:

---

Applicant's Signature

***Office Use Only:***

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

Plan Review Fee: \$0.00

**Total Fees:** \$25.00

Building Permit Fee: \$25.00

**Issued Date:**

Park Impact Fee: \$0.00

**Expiry Date:**

Capital Recovery Fee: \$0.00

**Issued By:**

Fire Meter: \$0.00

**BV Project #**

Water Meter Cost: \$0.00

Water Impact: \$0.00

Sewer Connection Fee: \$0.00

Sewer Impact: \$0.00



# Building Permit

COPY

## City of Ovilla

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

Permit No. 2018-6175

**Location:** 207 WILLOW WOOD LN

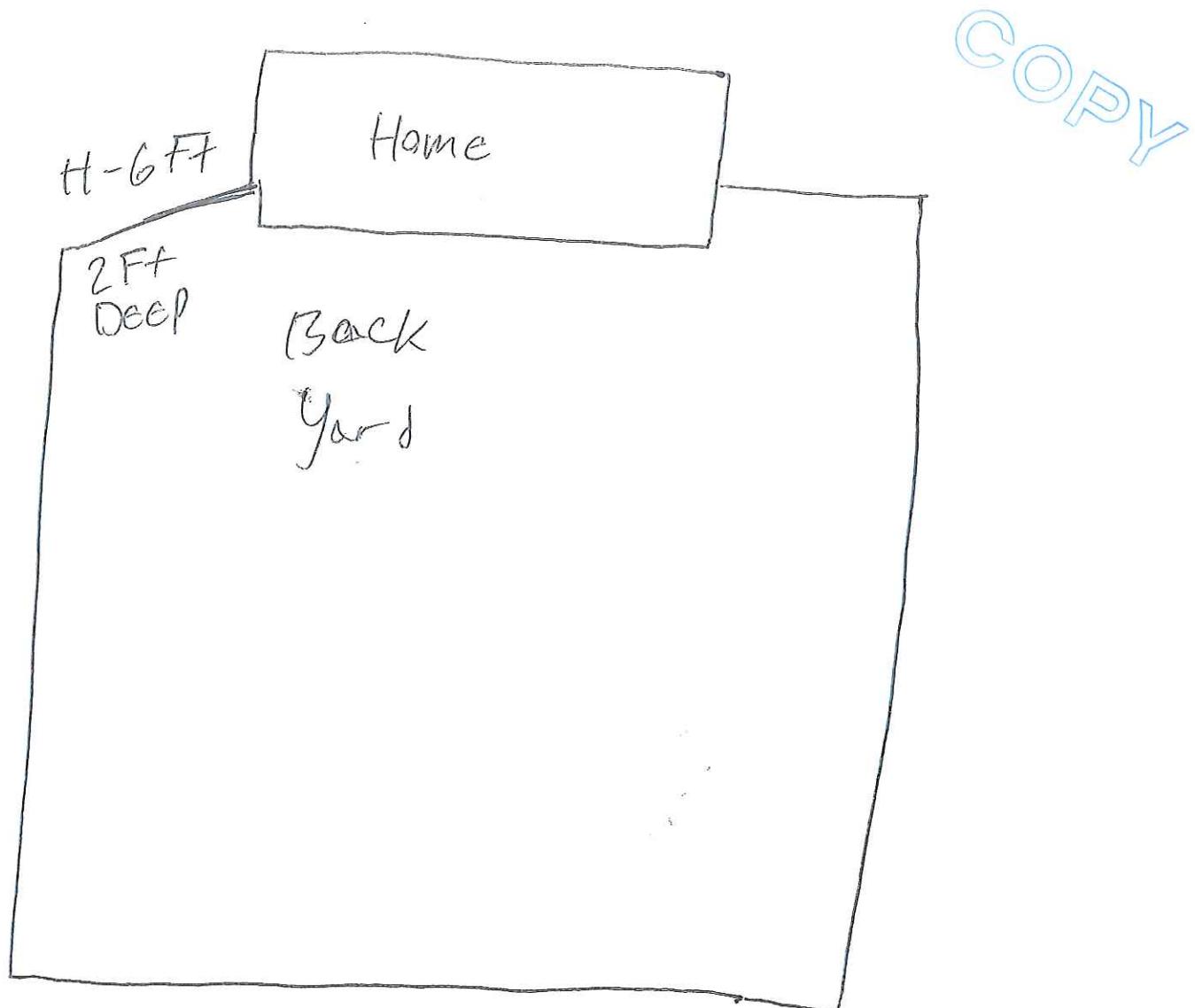
**Description:** FENCE - 6' CEDAR W/ METAL POSTS

**Owner:** DANIEL R & GINA J SIMS

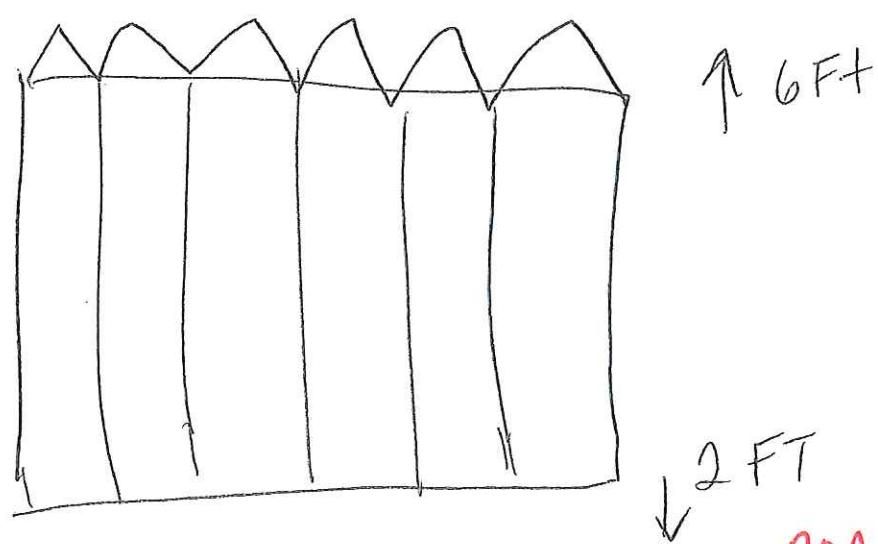
**Date Issued:**

**Building Inspector:** \_\_\_\_\_

**This Permit To Be Posted In Conspicuous Place On Site**



Rails to inside



BOA 201716.13

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY LOCATED AT 207 WILLOW WOOD LANE, IN THE CITY OF OVILLE, TEXAS. LOT 8, BLOCK 6, WOODLAWN ACRES ADDITION, SECOND SECTION, AN ADDITION TO THE CITY OF OVILLE, ELLIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET A, SLIDE 502, MAP/PLAT RECORDS, ELLIS COUNTY, TEXAS.

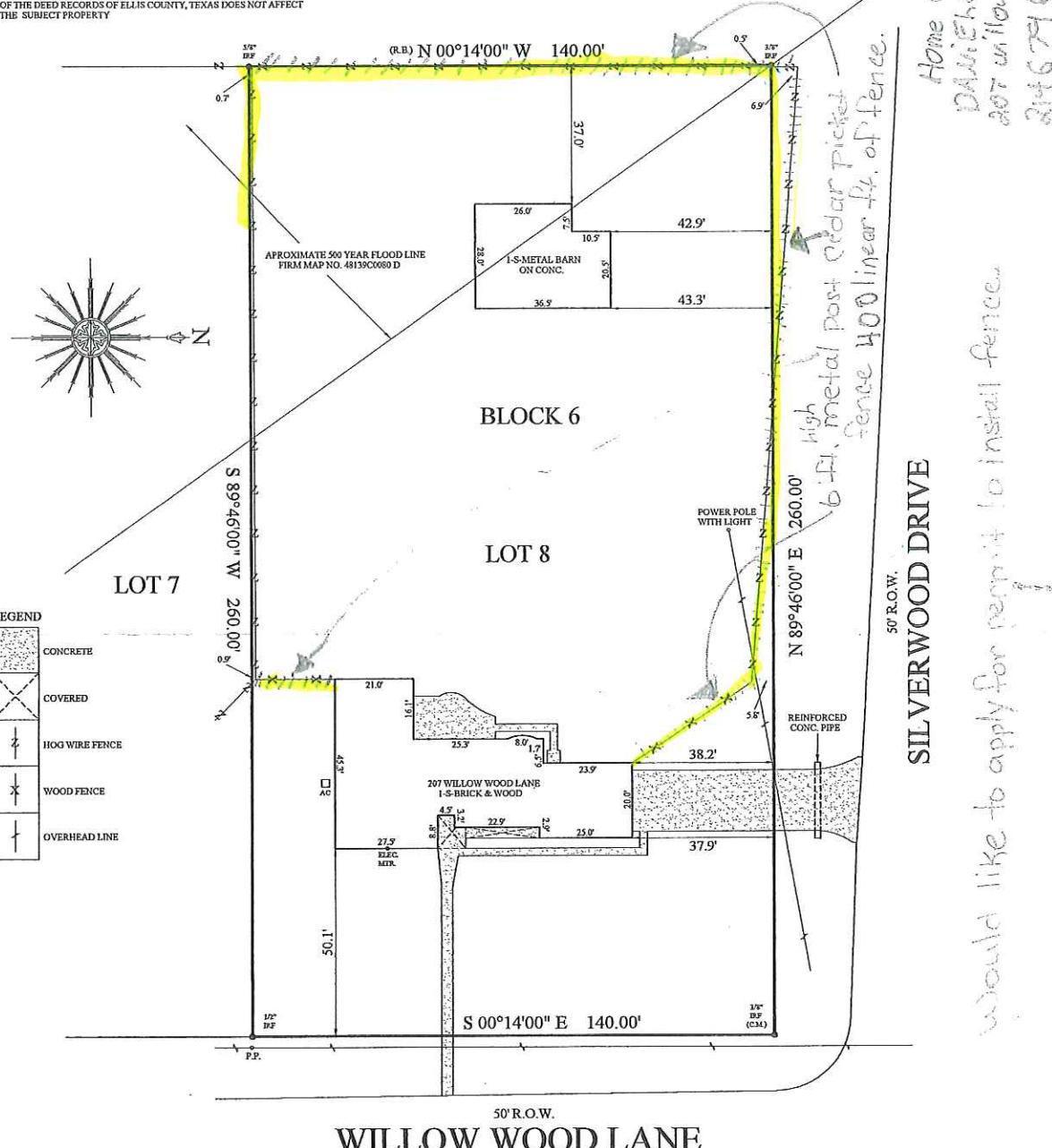
FLOOD STAMP: NO PART OF THE SUBJECT PROPERTY LIES WITHIN THE 100 YEAR FLOOD ZONE AS PER THE FLOOD INSURANCE RATE MAP FOR THE CITY OF OVILLE, ELLIS COUNTY, TEXAS, PANEL 080 OF , MAP NUMBER 48139C0080 D, EFFECTIVE DATE: JANUARY 20, 1999. PART OF THE SUBJECT PROPERTY LIES IN THE 500 YEAR FLOOD ZONE.

(ZONE X)

THE FOLLOWING EASEMENT TO TEXAS POWER & LIGHT COMPANY AS RECORDED IN VOLUME 335, PAGE 476, OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS, IS A BLANKET EASEMENT AND ITS LOCATION CAN NOT BE LOCATED BY DESCRIPTION GIVEN IN SAID DOCUMENT.

THE FOLLOWING EASEMENT TO TEXAS POWER & LIGHT COMPANY AS RECORDED IN VOLUME 346, PAGE 192 AND VOLUME 557, PAGE 981, OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS DOES NOT AFFECT THE SUBJECT PROPERTY.

TERMS, CONDITIONS, COVENANTS, EASEMENTS, OBLIGATIONS AND RESTRICTIONS AS CONTAIN IN THE DOCUMENTS OF COVENANT, CONDITIONS, RESTRICTIONS, AND EASEMENTS AS RECORDED IN CABINET A, SLIDE 502 MAP/PLAT RECORDS ELLIS COUNTY, TEXAS AND IN VOLUME 557, PAGE 981, OF THE REAL PROPERTY RECORDS AND OR PLAT RECORDS, OF ELLIS COUNTY, TEXAS, WHEN TAKEN WITH ALL AMENDMENTS AND OR SUPPLEMENTS THERETO, DOES APPLY TO AND EFFECT THE SUBJECT PROPERTY.



Chapter 14 Ovilla Code of Ordinance

35.3 FENCES IN RESIDENTIAL DISTRICTS

A. Maximum Height. Screening elements and fences shall be restricted to a maximum height of eight feet (8'), measured from the adjacent grade line, except as otherwise permitted in this section. Fences may be permitted to be constructed to a height exceeding eight feet (8') by special exception as approved by the Zoning Board of Adjustment.

B. Trash Storage Areas. Garbage, refuse and trash collection and storage areas in any multifamily development, mobile home development or other nonresidential use permitted in a residential district shall be fully enclosed on three sides by a dense screening element to adequately screen such area from view of the surrounding area.

C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

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.

BoA 201718.13

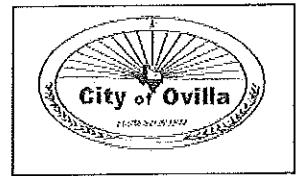
2. Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence.

Chapter 14 Section 29

29.4 DOUBLE FRONTAGE LOTS

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless otherwise established by plat or by ordinance, in which case only one required front yard need be provided

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



## TO THE OVILLA BOARD OF ADJUSTMENT

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### ORDINANCE 2010.023

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

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

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and
2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and
3. That the **SPECIAL EXCEPTION** will be wholly compatible with the used and permitted development of adjacent properties.

**Condition 1** requires that if the special exception is granted, it may not be against the public interest. "Public Interest" for **SPECIAL EXCEPTIONS** is defined as the well-being of the general public, with specific attention on those members of the public that could be directly affected by the proposed special exception.

**Condition 2** requires that the enforcement of a zoning regulation causes an "unnecessary hardship." The hardship must be caused by the property itself, for reasons such as narrowness, shallowness, shape, topography or other physical conditions related to the property. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only, and must relate to the very property for which the **SPECIAL EXCEPTION** is sought.

**Condition 3** requires that if the Board of Adjustment grants the **SPECIAL EXCEPTION** as requested, it will not grant a privilege in conflict with other provisions of the ordinance.

The burden of showing these three conditions is on the applicant/owner. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation. (All photos, documents, etc submitted will become part of the permanent file of the City of Ovilla.)

All three conditions are required to be met in order for the board of adjustments to grant your special exception. Failure to state how your **SPECIAL EXCEPTION** request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.

Case No. BOA 20171B. 13

## CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

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

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

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

*All three conditions are required to be met in order for the Board of Adjustment to grant your SPECIAL EXCEPTION. Failure to state how your SPECIAL EXCEPTION request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.*



DATE: 6-12-18  
Case No. BOA 201718.13

**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. 8

Property Address 207 willowwood ln

Block No. 6

ovilla tx 75154

Property Zoned Re

OWNER OF PROPERTY

Daniel Sims

Daniel Sims

APPLICANT

SPECIAL EXCEPTION

Fence on Prop. line



Case No. 201718.13

The Applicant/Owner, DAV. EH Sims, of EEES County, requests that the Ovilla Board of Adjustment grant the following SPECIAL EXCEPTION to Article 14, Chapter 35.301 of the Ovilla Zoning Ordinance. Please state in detail what type of SPECIAL EXCEPTION you are seeking, attach additional sheets if necessary.

Replaced fence back at same place.  
In line with road.

Has a previous appeal been filed on this property?

YES  NO

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



Case No.

BOA 201718.13

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot plan
3. Completed all sections of the application

I authorize \_\_\_\_\_ of \_\_\_\_\_  
(Applicant's agent) (Address)

\_\_\_\_\_, to represent me in this **SPECIAL EXCEPTION** request before the Board of Adjustment.

(Telephone)

Respectfully submitted:

Applicant/Owner Name Daniel Sims

Mailing Address 202 willowwood ln ovilla TX 75154

Telephone (Hm) 2146796710

Telephone (Wk) same

Email carpentersTouch6@yahoo.com

Daniel Sims 5-12-18

Applicant's signature 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: \_\_\_\_\_



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

Applicant: DANIEL SIMS  
Address: 207 WILLOWWOOD

Case Number: BOA201718.13

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 Patricia Haylard-King			

TOTALS:

— FOR  
— AGAINST  
— ABSTAIN

The special exception is hereby:  
\_\_\_\_\_ granted \_\_\_\_\_ denied

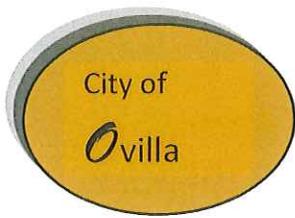
Presiding Officer of BOA

DATE

Attest:

\_\_\_\_\_

DATE



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 6

### DISCUSSION & ACTION Meeting Date: July 16, 2018

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
<b>ITEM 6.</b> <b>BOA201718.14 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 <u>PLACEMENT</u> , filed by Wes & Belinda Wadsworth for a residential variance to construct an accessory building that is not behind the rear plane of the main dwelling which is not allowed per Ordinance, on his property at 1211 Red Oak Creek Ln.	
Discussion / Justification:	
<b>APPLICANT:</b>	Wes & Belinda Wadsworth
<b>LOCATION:</b>	1211 Red Oak Creek Ln.
<b>ZONING:</b>	RE Residential
<b>Applicant's Proposal:</b> Applicant requests to build an accessory building that is not behind the rear plane of the home.	
<b>Discussion:</b> The Ovilla Code of Ordinances, Chapter 14, Section 30.3, <u>PLACEMENT</u> , states:	
A. <u>Front Setback</u> . A residential accessory building must be located completely behind the rear plane of the main dwelling.	
<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 Ellis County Press; 13 certified letters mailed. There have been no responses.	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT THE BOA GRANTS &amp; APPROVES/DENIES THE VARIANCE TO WES &amp; BELINDA WADSWORTH AT 1211 RED OAK CREEK DRIVE TO CONSTRUCT AN ACCESSORY BUILDING THAT IS NOT PLACED BEHIND THE REAR PLANE OF THE MAIN DWELLING AS PRESENTED IN BOA201718.14."</b>	

# 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:				Valuation: <u>\$ 25,000</u>
Zoning:				Valuation w/land:
Project Address:	1211 Red Oak Creek Dr. Ovilla			
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 checked="" type="checkbox"/>	FENCE <input type="checkbox"/>		
Proposed Use:	Wood Shop & Storage			
Description of Work:	30'x40' building constructed of wood/hardiplank w/ composition roof			
Area Square Feet:	Living: _____	Garage: _____	Covered Porch: _____	Total: <u>1200 Sq. Ft</u> Number of stories: <u>1</u>

Homeowner's name:	Wes and Belinda Wadsworth		
Address:	1211 Red Oak Creek Dr	Ovilla	(Belinda) (Wes)
Phone Number:	Home Number: 972-762-1280	Mobile Number: 972-762-1788	Cell

General Contractor	Contact Person	Phone Number	Contractor License Number
Homeowner	Wes Wadsworth	214-980-2980	_____
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Hayes Electrical	Danny Hayes	972-775-3048	_____
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:

Wes Wadsworth

Date:

6-3-18

### OFFICE USE ONLY:

Approved by:	<u>DSchmitt BV</u>	Date approved:	<u>6/11/18</u>
City Manager:		Date approved:	

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

Receipt # \_\_\_\_\_

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

Issued Date:

Expires: 180 Days

Issued By:

**COPY**

BV Project #

2018-010988

**BOA 2018.18.14**



# Residential Building Permit Application

**City of Ovilla**

**COPY**

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

Building Permit #	2018-6176	Valuation:	\$25,000.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	1211 RED OAK CREEK DR	Subdivision:	
Lot:	Block:		
<b>Project Description:</b>			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building	Yes	
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence		
Other	Specify Other:		
Proposed Use:	30' X 40' WOOD ACCESSORY BUILDING W/ELECTRICAL		
Description of Work:	ACCESSORY BUILDING 30' X 40' WOOD W/ELECTRICAL		
<b>Area Square Feet:</b>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

#### **Homeowner Details**

Name: WESLEY W & BELINDA R WADSWORTH  
Address: 1211 RED OAK CREEK DR, OVILLE, TX 75154  
Phone # Email:

#### **Applicant Details**

Applicant Type:  
Name: WES WADSWORTH  
Address: 1211 RED OAK CREEK RD OVILLE, TX 75154  
Phone # (972) 762-1788 Email:

BOA 201718.14

COPY

**General Contractor Details**

License #

Name:

Phone # Email:

**Mechanical Contractor Details**

License #

Name:

Phone # Email:

**Electrical Contractor Details**

License #

Name: DANNY HAYES

Phone # (972) 775-3048 Email:

**Plumber/Irrigator Details:**

License #

Name:

Phone # Email:

---

Applicant's Signature

***Office Use Only:***

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

Plan Review Fee: \$47.04

Total Fees: \$282.23

Building Permit Fee: \$235.19

Issued Date:

Park Impact Fee: \$0.00

Expiry Date:

Capital Recovery Fee: \$0.00

Issued By:

Fire Meter: \$0.00

BV Project #

Water Meter Cost: \$0.00

Water Impact: \$0.00

Sewer Connection Fee: \$0.00

Sewer Impact: \$0.00

BOA 201718.14



# Building Permit

City of Ovilla

COPY

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

Permit No. 2018-6176

Location: 1211 RED OAK CREEK DR

Description: ACCESSORY BUILDING 30' X 40' WOOD W/ELECTRICAL

Owner: WESLEY W & BELINDA R WADSWORTH

Date Issued:

Building Inspector: \_\_\_\_\_

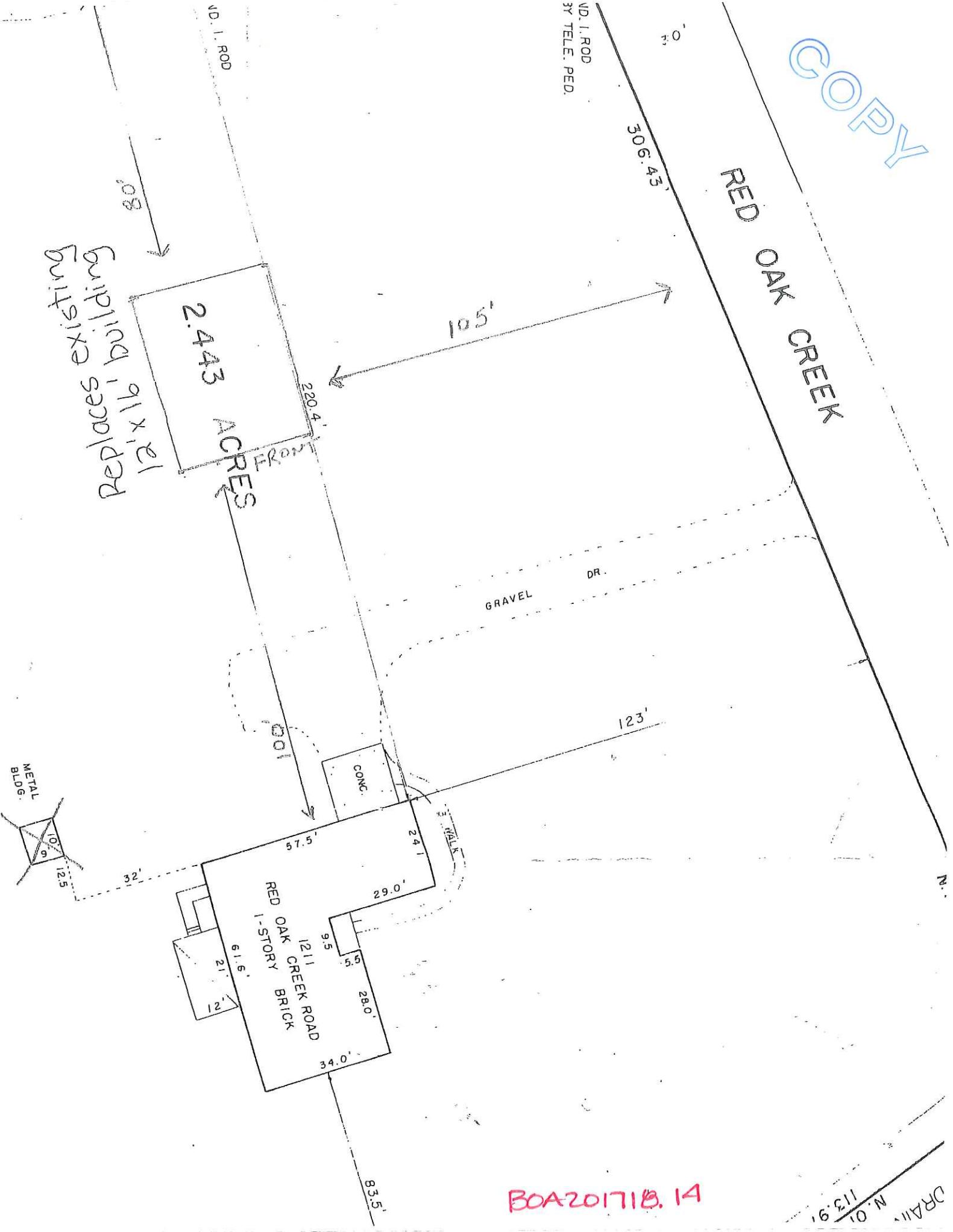
**This Permit To Be Posted In Conspicuous Place On Site**

BOA 201718.14

COPY

RED OAK CREEK

1D. 1. ROD  
BY TELE. PED.



CITY COPY

SUBJECT TO FIELD  
INSPECTIONS  
AND APPROVALS

**NOTICE**  
ALL WORK SHALL COMPLY WITH THE  
I-CODE AND OTHER APPLICABLE  
ADOPTED CODES AND ORDINANCES

FOUNDATION

COMPLY WITH THE I-CODE FOR ALL  
FOUNDATION / SLAB WORK

The seal of the University of Veritas, featuring a circular design with the text "VERITAS" at the top and "UNIVERSITATIS" at the bottom, and a central emblem.

**VERIFIED** **Plans Reviewed** **Plans not valid without attached review notes**

NOTES:

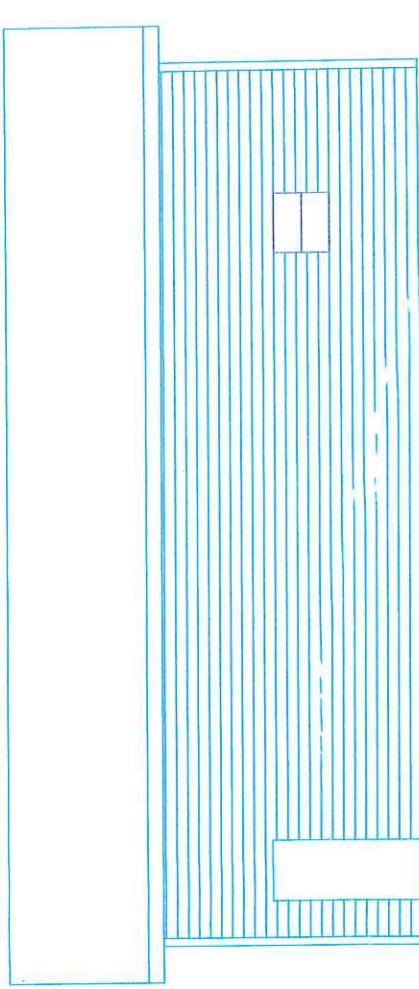
- 1) 2 x 6 STUD WALL CONSTRUCTION
- 2) 4-1/2 x 12 ROOF PITCH
- 3) EXTERIOR SIDING TO BE "HARDY
- 4) COMPOSITE ROOF
- 5) 21 TRUSS ROOF

1111 REED	1111 REED	1111 REED	1111 REED
1111 REED	1111 REED	1111 REED	1111 REED
1111 REED	1111 REED	1111 REED	1111 REED
1111 REED	1111 REED	1111 REED	1111 REED
1111 REED	1111 REED	1111 REED	1111 REED

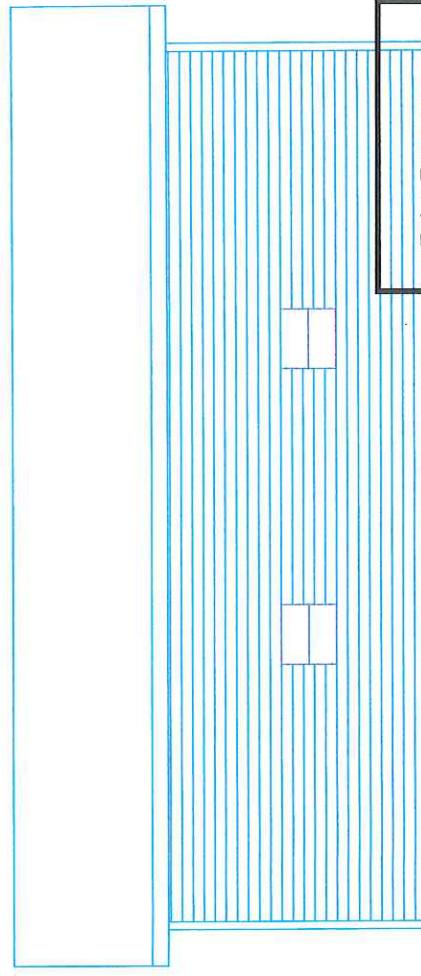
Architectural floor plan of a house with the following dimensions and features:

- Overall dimensions:** 40'-0" wide by 30'-0" deep.
- Front Elevation:** 6'-0" height.
- Left Wing:** 12'-0" depth. Contains a 32' x 30' window.
- Right Wing:** 10'-0" depth. Contains a 32' x 30' window.
- Central Section:** 2'-0" depth. Contains a 2'-0" x 2'-0" door.
- Garage Area:** 10'-0" depth. Contains a 10'-0" door and a 30' garage door.
- Side Wing:** 11'-6" depth. Contains a 2'-0" x 2'-0" door.

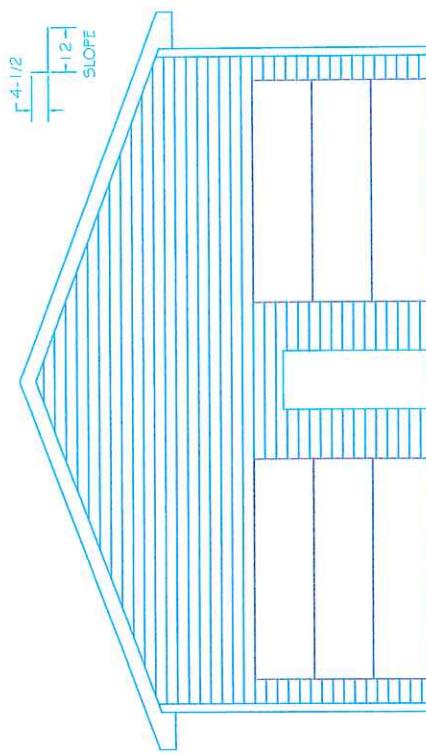
BOA 201718.14



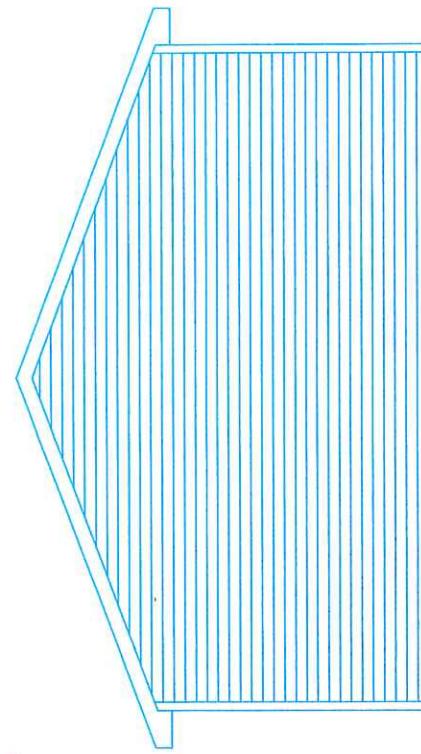
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

201718. 14

NEW STRUCTURE	
1211 7TH	OMAHA, TX 75154
DATE	1/1/2018
ARCHITECT	DOUG
CONTRACTOR	DOUG
PERMIT NO.	144-10001
PERMIT DATE	1/1/2018
PERMIT EXP.	1/31/2018
PERMIT FEE	\$100.00
PERMIT AMOUNT	\$100.00
PERMIT FEE	\$100.00
PERMIT AMOUNT	\$100.00



COPY

### Accessory Building Permit Checklist

DATE 6-13-18

OWNER Wadsworth

ADDRESS 1211 Red Oak Creek

1. Permit Signed by property owner  Yes  No
2. Use of building Shop Storage  Yes  No
3. Plot plan with survey stamp  Yes  No
4. Building Material Brick  Brick  Stone  Hardiplank  Wood  Other
5. Roof Material Comp  Comp  Metal  Shingle  Other
6. Door Facing 90' from front of property  Yes  No East
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 2.443000
14. Total square footage 1200 Total square footage allowed \_\_\_\_\_
15. Variance required  Yes  No

Approved

Denied

Reason

*Denied  
Beside main dwelling*

DATE 6-15-18

NAME Mike Day

*Ch 14 30.3 A*

*BOA 201718.14*

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



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

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

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

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

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

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

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

Case No. BOA 201718.14



## CONDITIONS NECESSARY FOR GRANTING A VARIANCE

### Ordinance 2010.023

Please state in detail how the conditions necessary for the granting of a variance have been met in this case. Attach additional sheets if necessary.

#### **TO BE EXPLAINED, DETAILED & COMPLETED BY APPLICANT**

**Condition 1:** Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

*Yes because of creek behind house*

---

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**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.

*Yes*

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**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.

Yes

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**Condition 6:** Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Yes

---

---

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

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

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

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

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



Case No. BOA 20171B.14

## REQUEST FOR A VARIANCE

To the

### OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

#### TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. \_\_\_\_\_

Property Address 1211 Red Oak Creek Dr

Block No. \_\_\_\_\_

Ovilla, TX 75154

Zoning \_\_\_\_\_

The Applicant, Wes & Belinda Wadsworth, 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.

Construct an accessory building  
beside the maining dwelling

Has a previously appeal been filed on this property?

YES /  NO

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



• Case No. BOA 20171B.14

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot/site plan
3. Completed all sections of the application

I authorize \_\_\_\_\_ of \_\_\_\_\_,  
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name Wes Wadsworth

Mailing Address 1211 Red Oak Creek Dr.

Ovilla, TX 75154

Telephone (Hm) cell 972-762-1788 (Wes)

Telephone (Wk) cell 972-762-1280 (Belinda)

Email [belinda.wadsworth@att.net](mailto:belinda.wadsworth@att.net)

Was Was  
Applicant's signature

— 8 —

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: WES & BELINDA WADSWORTH  
Address: 1211 RED OAK CREEK DR.

**Case Number: 201718.14**

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

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

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

FOR      AGAINST      ABSTAIN

	FOR	AGAINST	ABSTAIN
<b>Member Carol Richtsmeier</b>			
<b>Member Richard Ware</b>			
<b>Member Barbara Betik</b>			
<b>Member Sandra Cawley</b>			
<b>Member Ozzie Molina</b>			
<b>Alt. Member Stephanie Heimbuch</b>			
<b>Alt. Member Patricia Haylard-King</b>			

**TOTALS:**

FOR  
AGAINST  
ABSTAIN

The variance is hereby: granted denied

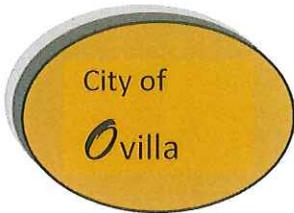
---

**Presiding Officer of BOA**

Date

---

**City or Board Secretary**



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 7

### DISCUSSION & ACTION Meeting Date: July 16, 2018

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
<b>ITEM 7.</b>	<b>BOA201718.15 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 <b>CONSTRUCTION MATERIAL</b> filed by Daniel Rydberg for a residential variance to construct an accessory building that is made with metal construction material which is not allowed per Ordinance, on his property at 704 Buckboard.
Discussion / Justification:	
<b>APPLICANT:</b>	Daniel Rydberg
<b>LOCATION:</b>	704 Buckboard St.
<b>ZONING:</b>	RE Residential
<b>Applicant's Proposal:</b> Applicant requests to build an accessory building that is made of metal.	
<b>Discussion:</b> The Ovilla Code of Ordinances, Chapter 14, Section 30.5, <b>CONSTRUCTION MATERIAL</b> , states:	
C. <b>Metal.</b> An accessory building may be constructed of commercial grade metal 'r' or 'u' panels (minimum 26 gauge) if the lot size on which the building is constructed is two (2) acres or greater.	
<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 Ellis County Press; 12 certified letters mailed. There have been no responses.	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT THE BOA GRANTS &amp; APPROVES/DENIES THE VARIANCE TO DANIEL RYDBERG AT 704 BUCKBOARD TO CONSTRUCT AN ACCESSORY BUILDING THAT IS MADE OF METAL AS PRESENTED IN BOA201718.15."</b>	

Building Permit Number:	Valuation:	1400				
Zoning:	Valuation w/land:					
Project Address:	704 Buckboard					
Lot:	16	Subdivision: Westmoreland Estates				
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 checked="" type="checkbox"/>	FENCE	<input type="checkbox"/>
Proposed Use:	RV Cover 14 X 21					
Description of Work:	Install above ground cover, no footings, no elec, no water					
Area Square Feet:	Covered	Porch:	Total:	Number of stories:		
Living:						
Garage:						

Homeowner's name:	Daniel Rydberg		
Address:	704 Buckboard		
Phone Number:	972-922-4646	Home Number:	Mobile Number:

General Contractor	Contact Person	Phone Number	Contractor License Number
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

[ ] I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\*\*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: Daniel Rydberg Date: 6/11/18

**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:

**COPY**

BOA 201718.15



# Residential Building Permit Application

## City of Ovilla

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

Building Permit #	2018-6187	Valuation:	\$1,400.00
Zoning:		Valuation w/	\$0.00
Project Address:	704 BUCKBOARD ST	Land:	
Lot:	Block:	Subdivision:	
<b>Project Description:</b>			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building	Yes	
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence		
Other	Specify Other:		
Proposed Use:	ACCESSORY BUILDING - RV COVER		
Description of Work:	ACCESSORY BUILDING - RV COVER 14' X 21' METAL		
<b>Area Square Feet:</b>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

### Homeowner Details

Name: DANIEL T RYDBERG  
Address: 704 BUCKBOARD ST, OVILLA, TX 75154  
Phone # (972) 922-4646 Email:

### Applicant Details

Applicant Type:  
Name: DANIEL RYDBERG  
Address: 704 BUCKBOARD OVILLA, TX 75154  
Phone # (972) 922-4646 Email:

**COPY**

BOA 201718.15

**General Contractor Details**

License #

Name:

Phone # Email:

**Mechanical Contractor Details**

License #

Name:

Phone # Email:

**Electrical Contractor Details**

License #

Name:

Phone # Email:

**Plumber/Irrigator Details:**

License #

Name:

Phone # Email:

Applicant's Signature

***Office Use Only:***

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

Plan Review Fee: \$0.00

Total Fees: \$0.00

Building Permit Fee: \$0.00

Issued Date:

Park Impact Fee: \$0.00

Expiry Date:

Capital Recovery Fee: \$0.00

Issued By:

Fire Meter: \$0.00

BV Project #

Water Meter Cost: \$0.00

Water Impact: \$0.00

VARiances Required -

Sewer Connection Fee: \$0.00

Metal Building on less than 2 acres

Sewer Impact: \$0.00

Detached Car port.

m Doug

**COPY**

BOA 201718.15



# Building Permit

## City of Ovilla

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

Permit No. 2018-6187

**Location:** 704 BUCKBOARD ST

**Description:** ACCESSORY BUILDING - RV COVER 14' X 21' METAL

**Owner:** DANIEL T RYDBERG

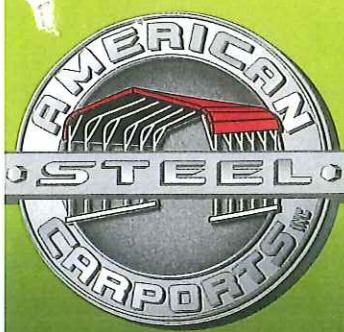
**Date Issued:**

**Building Inspector:** \_\_\_\_\_

**This Permit To Be Posted In Conspicuous Place On Site**

**COPY**

*BOA 201718.15*



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ACCREDITED  
BUSINESS

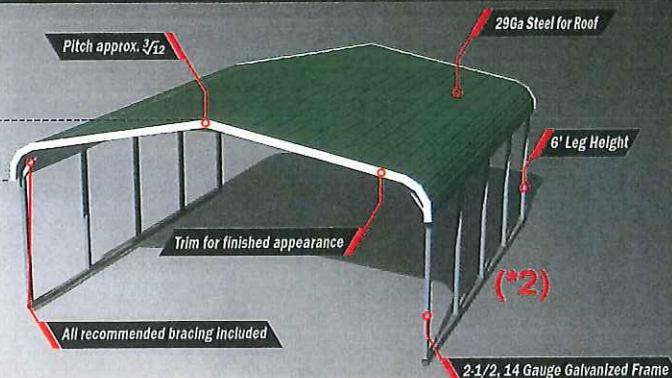
Starting at

**\$950.00**

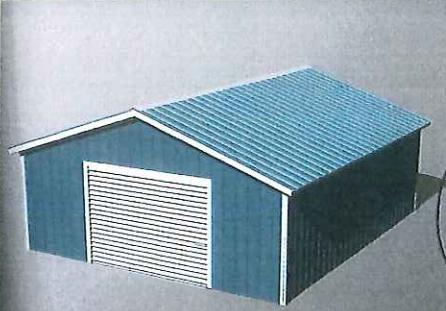
(14 Gauge) 12' W x 20' L x 6' H

\*Pricing for Standard Roof only

**STANDARD ROOF**



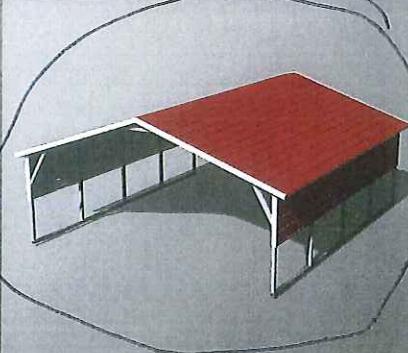
**A-FRAME VERTICAL**



**GO VERTICAL**

\*\*HIGHLY RECOMMENDED TO GO VERTICAL FOR 35' & LONGER TO AVOID LEAKING.

**A-FRAME HORIZONTAL**



**ALL BRACING INCLUDED**

\*Std units come with 6" overhang on each end.

Truss quantity/design may vary according to applicable building codes & standards.

**14 Gauge**

12x20	\$950	18x20	\$995	20x20	\$1,215	22x20	\$1,315	24x20	\$1,415
12x25	\$1,015	18x25	\$1,115	20x25	\$1,315	22x25	\$1,615	24x25	\$1,715
12x30	\$1,215	18x30	\$1,315	20x30	\$1,615	22x30	\$1,915	24x30	\$2,115
12x35	\$1,415	18x35	\$1,515	20x35	\$1,915	22x35	\$2,215	24x35	\$2,415
12x40	\$1,615	18x40	\$1,815	20x40	\$2,215	22x40	\$2,615	24x40	\$2,815
12x45	\$1,910	18x45	\$2,110	20x45	\$2,510	22x45	\$2,910	24x45	\$3,110
12x50	\$2,010	18x50	\$2,210	20x50	\$2,610	22x50	\$3,210	24x50	\$3,410

**12 Gauge**

12x20	\$1,050	18x20	\$1,095	20x20	\$1,315	22x20	\$1,415	24x20	\$1,515
12x25	\$1,140	18x25	\$1,240	20x25	\$1,440	22x25	\$1,740	24x25	\$1,840
12x30	\$1,365	18x30	\$1,465	20x30	\$1,765	22x30	\$2,065	24x30	\$2,265
12x35	\$1,590	18x35	\$1,690	20x35	\$2,090	22x35	\$2,390	24x35	\$2,590
12x40	\$1,815	18x40	\$2,015	20x40	\$2,415	22x40	\$2,815	24x40	\$3,015
12x45	\$2,135	18x45	\$2,335	20x45	\$2,735	22x45	\$3,135	24x45	\$3,335
12x50	\$2,260	18x50	\$2,460	20x50	\$2,860	22x50	\$3,460	24x50	\$3,660

**1**  
YR  
WORKMANSHIP  
WARRANTY

**FINANCING  
AVAILABLE!**

**COLOR OPTIONS**



**20**  
YR  
12 GAUGE  
LIMITED  
WARRANTY<sup>(\*)</sup>

**AMERICAN STEEL CARPORTS, INC.**

**TX SHOP / HQ**

457 North Broadway St.  
Joshua, TX 76058  
(817) 484-2180

**NM SHOP**

3205 Industry Dr.  
Gallup, NM 87301  
(505) 722-8813

**IN SHOP**

404 West Main St.  
Mount Summit, IN 47361  
(419) 737-1331

**PA SHOP**

22 Ruddle St.  
Wilkes-Barre, PA 18702  
(570) 825-8260

**IL SHOP**

832 Forest East St.  
Kewanee, IL 61443  
(309) 853-0850

**FIND US ONLINE!**



[/AMERICANSTEELCARPORTS](https://www.facebook.com/AMERICANSTEELCARPORTS)



[/AMERICANCARPORT](https://www.twitter.com/AMERICANCARPORT)



[/AMERICANSTEELINC](https://www.instagram.com/AMERICANSTEELINC)

**DELIVERY &  
INSTALLATION  
INCLUDED<sup>(\*)</sup>**

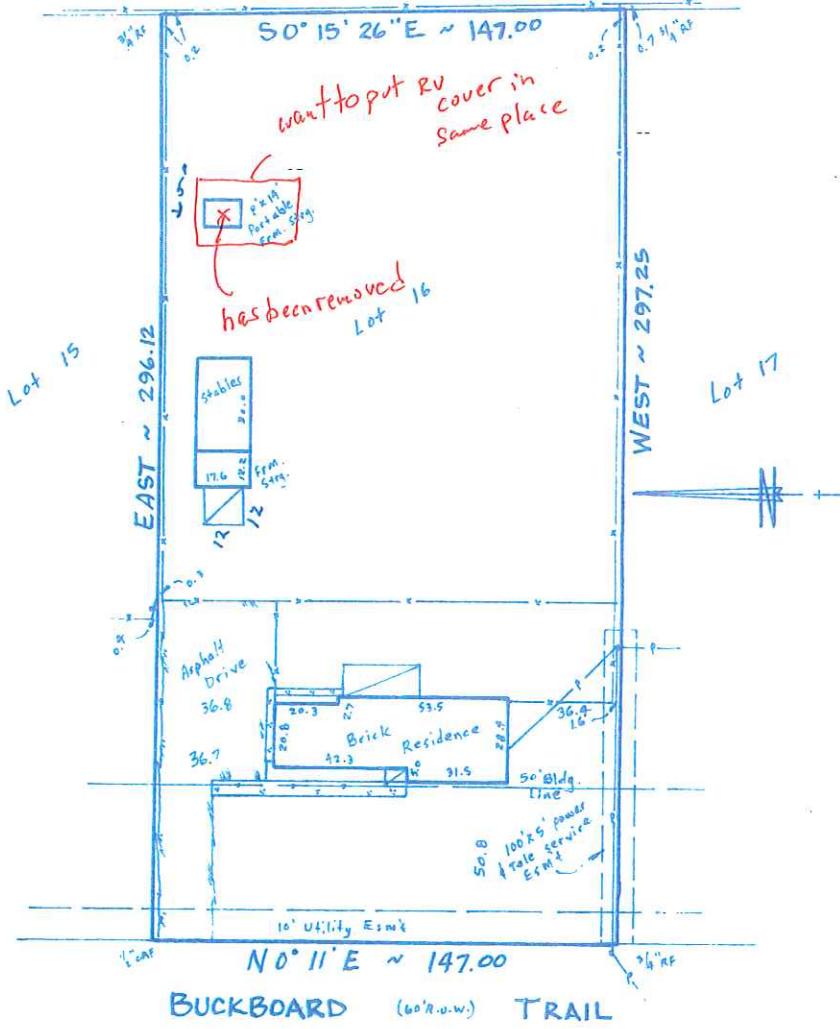
22 feet wide and up, recommend use 12 Gauge steel tubing for framing. Extra trusses may be required for heavy snowload. Prices subject to change without notice. Check before purchase to make sure building meets your LOCAL codes. Buildings are certified for 30 lbs. PSF ground. <sup>(1)</sup> 2-1/4" 12 Gauge, 20 year limited warranty on rust through of framing assuming normal use care and maintenance. <sup>(2)</sup> Delivery and Installation included on flat and levelled land (no slope). Units installed on unlevelled ground will have spacing between base rail and ground. ASCL is not responsible for ground work being done. If extra work is needed due to ground being unlevelled more than 3" extra charge will incur.

# SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of the property located at 704 Buckboard Trail, being Lot 16 in Block "E", of Westmoreland Road Estates No. 3 an Addition to the City of Ovilla, Ellis County, Texas, according to the Map thereof recorded in Cabinet A, Slide 733, Plat Records, Ellis County, Texas.

The property shown hereon is located in Zone "X" according to Community Panel Number 48139C0080 D, of the U. S. Department of Housing and Urban Development Flood Hazard Boundary Map Dated January 20, 1999.

Note: Easements as recorded in Volume 344, Page 433, Deed Records, Ellis County, Texas, do not to the best of my knowledge and belief affect the herein described property.



This survey was performed exclusively for the parties in connection with the G. F. Number shown hereon and is licensed for a single use. This survey remains the property of the surveyor. Unauthorized reuse is not permitted without the expressed written permission of the surveyor. This survey is an original work protected by United States Copyright law and international treaties. All rights reserved. Do not make illegal copies.

This plat is a true, correct, and accurate representation of the property, as determined by an on the ground survey, the lines and dimensions of said property being indicated on the plat, the size and location of existing improvements are as shown. THERE ARE NO ENDCROACHMENTS, CONFLICTS, OR PROTRUSIONS EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in G. F. NO: CTDAL33-CT0000008826 of Chicago Title.



APPROVED BY:

  
MICHAEL L. COX R. P. L. S. #4003

SCALE: 1"=40'	MICHAEL L. COX, INC. PROFESSIONAL LAND SURVEYORS 222 TEXAS STREET CEDAR HILL, TEXAS 75104 PH: (972) 291-7848 FX: (972) 291-7840
DATE : 05-23-08	
JOB NO : 23004	
DRAWN BY : mb	

COPY

BOA 201718.15



## Accessory Building Permit Checklist

DATE 6-12-18

OWNER RYD Berg Daniel

ADDRESS 704 Buckboard

1. Permit Signed by property owner  Yes  No
2. Use of building CARPORT - Detached
3. Plot plan with survey stamp  Yes  No
4. Building Material  Brick  Stone  Hardiplank  Wood  Other Metal
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 2
13. Size of property 1 acre
14. Total square footage 1180 Total square footage allowed 1100
15. Variance required  Yes  No

Approved  Denied Reason

DATE 6-28-18

NAME Mike Dow

Denied -  
Detached metal  
Carport

1. Less than 2 acre - variance required
2. Detached Carport - variance required
3. TTL 5 square footage allowed

BOA 2017 B.15 over 100 sq ft  
1100 sq ft  
80 sq ft

**City of Ovilla Code of Ordinances**

**Chapter 14**

**30.5 CONSTRUCTION MATERIAL**

- A. Residential Accessory. Except as provided by subsection B, a residential accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, wood, or UV Protected, double-walled, high density polyethylene plastic with simulated finishes of wood or masonry, and with steel reinforced construction and steel trusses. (Ordinance 2011-026 adopted 11/14/11)
- B. Greenhouse. Glass or clear plastic may be used for the construction of a greenhouse.
- C. Metal. An accessory building may be constructed of commercial grade metal 'r' or "u" panels (minimum 26 gauge) if the lot size on which the building is constructed is two (2) acres or greater.

BOA 20171B.15



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

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

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

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

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

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

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

Case No. BOA 201718.15

### CONDITIONS NECESSARY FOR GRANTING A VARIANCE

---



## Ordinance 2010.023

Please state in detail how the conditions necessary for the granting of a variance have been met in this case. Attach additional sheets if necessary.

### **TO BE EXPLAINED, DETAILED & COMPLETED BY APPLICANT**

**Condition 1:** Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

There are no exceptional or extraordinary circumstances that apply to the property compared to the other properties in the same zone and vicinity

**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.

Other properties within the same zone and vicinity occupy same style storage spaces

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

An unnecessary hardship exists from limitations imposed on the development of the structure meant to protect an investment.

**Condition 4:** The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

The minimum amount of space needed on the property to provide maximum protection of the owners RV is being requested

**Condition 5:** The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.



The property owner is using a professional company that certifies their work and verifies the safety of the structure.

**Condition 6:** Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The requested variance does not involve a circumstance that is not permissible under the terms of the district nor is prohibited by the ordinance terms of the district

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.15

## REQUEST FOR A VARIANCE

To the

### OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

### TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 14

Property Address 704 Bockboard St.

Block No. E

Ovilla Tx 75154

Zoning RE

The Applicant, \_\_\_\_\_, of \_\_\_\_\_ County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article \_\_\_\_\_, Chapter 14, Section 30.5c of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

Seeking a metal building on less than 2 acres.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? 8-2013



- Case No. BOA 20171B.15

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot/site plan
3. Completed all sections of the application

I authorize \_\_\_\_\_ of \_\_\_\_\_,  
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name

Daniel Rydberg

Mailing Address

704 Buckboard

Ovilla TX 75154

Telephone (Hm)

972-922-4646

Telephone (Wk)

\_\_\_\_\_

Email

daniel.rydberg@att.net

Daniel Rydberg

Applicant's signature

6/19/18

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: DANIEL RYDBERG  
Address: 704 BUCKBOARD ST.

Case Number: 201718.15

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.5 CONSTRUCTION MATERIAL 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**

FOR	AGAINST	ABSTAIN
Member Carol Richtsmeier		
Member Richard Ware		
Member Barbara Betik		
Member Sandra Cawley		
Member Ozzie Molina		
Alt. Member Stephanie Heimbuch		
Alt. Member Patricia Haylard-King		

**TOTALS:**

FOR  
AGAINST  
ABSTAIN

The variance is hereby: granted denied

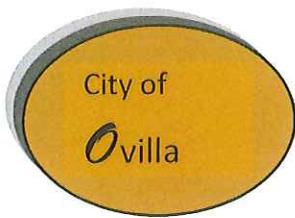
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**Presiding Officer of BOA**

Date

---

**City or Board Secretary**



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 8

### DISCUSSION & ACTION Meeting Date: July 16, 2018

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
<b>ITEM 8.</b> <b>BOA201718.16 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 <u>CARPORTS</u> filed by Daniel Rydberg for a residential variance to construct a detached accessory building which is not allowed per Ordinance, on his property at 704 Buckboard.	
Discussion / Justification:	
<b>APPLICANT:</b>	Daniel Rydberg
<b>LOCATION:</b>	704 Buckboard St.
<b>ZONING:</b>	RE Residential
<b>Applicant's Proposal:</b> Applicant requests to build a detached carport accessory building.	
<b>Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORTS, states:</b>	
A. <u>Prohibition</u> . Free standing carports are not permitted.	
<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 Ellis County Press; 12 certified letters mailed. There have been no responses.	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT THE BOA GRANTS &amp; APPROVES/DENIES THE VARIANCE TO DANIEL RYDBERG AT 704 BUCKBOARD TO CONSTRUCT A DETACHED CARPORT ACCESSORY BUILDING AS PRESENTED IN BOA201718.16."</b>	



## Accessory Building Permit Checklist

DATE 6-12-18

OWNER RYD Berg Daniel

ADDRESS 704 Buckboard

1. Permit Signed by property owner  Yes  No
2. Use of building CARPORT - Detached
3. Plot plan with survey stamp  Yes  No
4. Building Material  Brick  Stone  Hardiplank  Wood  Other Metal
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 2
13. Size of property 1 acre
14. Total square footage 1120 Total square footage allowed 1100
15. Variance required  Yes  No

Approved  Denied Reason

DATE 6-28-18

NAME Mike Dow

*Denied -  
Detached metal  
carport*

- 1. Less than 2 acre - variance required*
- 2. Detached carport - variance required*
- 3. TTL square footage allowed  
over 100 sq ft  
80 sq ft*

### 30.8 CARPORTS

- A. Prohibition. Freestanding carports are not permitted.
- B. Exceptions. A carport is permitted if the following conditions are met:
  1. It is designed as an integral part of a detached garage or dwelling unit;
  2. The roofline of the main building and the carport are integrated and shingled as appears on the entire house; and
  3. It is constructed on the side or rear of the main structure.
- C. Calculation of Area. If a carport is attached to a detached garage or residential accessory building, that area underneath the covering of a carport will be applied to the total square footage allowed in Table 30.A Number and Size of Accessory Buildings.



## 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 201718.16

### 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.

There are no exceptional or extraordinary circumstances that apply to the property compared to the other properties in the same zone and vicinity.

**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.

Other properties within the same zone and vicinity occupy same style storage spaces

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

An unnecessary hardship exists from limitations imposed on the development of the structure meant to protect an investment.

**Condition 4:** The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

The minimum amount of space needed on the property to provide maximum protection of the owners RV is being requested

**Condition 5:** The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.



The property owner is using a professional company that certifies their work and verifies the safety of the structure.

**Condition 6:** Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The requested variance does not involve a circumstance that is not permissible under the terms of the district nor is prohibited by the ordinance terms of the district

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 201718.15

## REQUEST FOR A VARIANCE

To the

### OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

#### TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 16

Property Address 704 Buckboard  
Ovilla Tx 75159

Block No. E

Zoning RE

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

*Seeking a detached carport.*

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? 8.2013



• Case No. BOA 201718.14

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot/site plan
3. Completed all sections of the application

I authorize \_\_\_\_\_ of \_\_\_\_\_,  
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name

Daniel Rydberg

Mailing Address

704 Buckboard

Ovilla TX 75154

Telephone (Hm)

972-422-4646

Telephone (Wk)

\_\_\_\_\_

Email

daniel.rydberg@att.net

Daniel Rydberg

Applicant's signature

6/19/18

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: DANIEL RYDBERG

Case Number: 201718.16

Address: 704 BUCKBOARD ST.

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.8 CARPORTS 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 Patricia Haylard-King			

**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: 9

### DISCUSSION & ACTION Meeting Date: July 16, 2018

#### Attachments:

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

#### Agenda Item / Topic:

**ITEM 9.** **BOA201718.17 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Table 30.A OTHER ACCESSORY BUILDINGS filed by Daniel Rydberg for a residential variance to construct an accessory building larger than allowed per acreage, per Ordinance, on his property at 704 Buckboard.

#### Discussion / Justification:

**APPLICANT:** Daniel Rydberg  
**LOCATION:** 704 Buckboard St.  
**ZONING:** RE Residential

**Applicant's Proposal:** *Applicant requests to build accessory building that is larger than allowed amount.*

**The Ovilla Code of Ordinances, Chapter 14, Table 30.A NUMBER AND SIZE OF ACCESSORY BUILDINGS states:**

Lot Size	Number of Accessory Buildings Permitted	Total Square Footage of All Accessory Buildings
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.

**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 Ellis County Press; 12 certified letters mailed. There have been no responses.

#### Sample Motion(s):

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO DANIEL RYDBERG AT 704 BUCKBOARD TO CONSTRUCT AN ACCESSORY BUILDING LARGER THAN ALLOWED AMOUNT PER ACERAGE AS PRESENTED IN BOA201718.17."**



## Accessory Building Permit Checklist

DATE 6-12-18

OWNER RYD Berg Daniel

ADDRESS 704 Buckboard

1. Permit Signed by property owner  Yes  No
2. Use of building CARPORT - Detached
3. Plot plan with survey stamp  Yes  No
4. Building Material  Brick  Stone  Hardiplank  Wood  Other Metal
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 2
13. Size of property 1 acre
14. Total square footage 1180 Total square footage allowed 1100
15. Variance required  Yes  No

Approved  Denied Reason

DATE 6-28-18

NAME Mike Dow

*Denied -  
Detached metal  
carport*

- 1. Less than 2 acre - variance required*
- 2. Detached Carport - variance required*
- 3. TTL square footage allowed  
over 100 sq ft  
80 sq ft*

### 30.7 OTHER ACCESSORY BUILDINGS.

An accessory building other than a residential accessory building requires a specific use permit granted by the City Council. A person commits an offense if the person installs, constructs or maintains an accessory building in a non-residential zoning district without a specific use permit.

Table 30.A Number and Size of Accessory Buildings		
Lot Size	Number of Accessory Buildings Permitted	Total Square Footage of All Accessory Buildings
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 2011B.17

### 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.

There are no exceptional or extraordinary circumstances that apply to the property compared to the other properties in the same zone and vicinity

**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.

Other properties within the same zone and vicinity occupy same style storage spaces

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

An unnecessary hardship exists from limitations imposed on the development of the structure meant to protect an investment.

**Condition 4:** The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

The minimum amount of space needed on the property to provide maximum protection of the owners RV is being requested

**Condition 5:** The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.



The property owner is using a professional company that certifies their work and verifies the safety of the structure.

**Condition 6:** Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The requested variance does not involve a circumstance that is not permissible under the terms of the district nor is prohibited by the ordinance terms of the district

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.17

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 Daniel Rydberg

Mailing Address 704 Buckboard  
Ovilla TX 75154

Telephone (Hm) 972-922-4646

Telephone (Wk) \_\_\_\_\_

Email daniel.rydberg@att.net

Daniel T Rydberg

Applicant's signature

6/19/18

Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



Case No. BOA 20171B. 17

## 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. 16

Property Address 704 Buckboard

Block No. E

Ovilla Tx 75154

Zoning RE

The Applicant, \_\_\_\_\_, of \_\_\_\_\_ County, requested that the  
Ovilla Zoning Board of Adjustment grant the following variance to Article \_\_\_\_\_, Chapter  
14, Section 30. A of the Ovilla Zoning Ordinance. Please state in detail what type of  
variance you are seeking, attach additional sheets if necessary.

Seeking additional accessory building  
square footage.

Requesting additional 80 sq ft.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? 8.2013



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

Applicant: DANIEL RYDBERG

Case Number: 201718.17

Address: 704 BUCKBOARD ST.

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Table 30.A OTHER ACCESSORY BUILDINGS 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 Patricia Haylard-King			

**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: 10

#### DISCUSSION & ACTION

Meeting Date: July 16, 2018

Attachments:	
None	
Agenda Item / Topic:	
<b>ITEM 10.</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	