

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

City of Ovilla

*Vice Chair, Richard Ware, Jr. PL5
ALT- Patricia Halyard - King, PL6
ALT- Stephanie Heimbuch, PL7
Mike Dooley, Code Enforcement*

AGENDA

Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
August 20, 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, August 20, 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

- ◆ None

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

Individual Consideration

- ITEM 1.** **BOA201718.18 - *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS filed by Robert Smith for a residential variance to construct a detached accessory building which is not allowed per Ordinance, on his property at 101 Silverwood Dr.

DISCUSSION/ACTION – Consideration of requested Variance filed by Robert Smith.

- ITEM 2.** **BOA201718.19** – Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3, PLACEMENT, filed by Robert Smith for a variance to construct an accessory building with the main opening facing front on his property at 101 Silverwood Dr.

DISCUSSION/ACTION – Consideration of requested Variance filed by Robert Smith.

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

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **August 20, 2018 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 17th day of August 2018, prior to 6:00 p.m.

Glennell Miller
Deputy City Secretary

DATE OF POSTING:
DATE TAKEN DOWN:



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.



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION Meeting Date: August 20, 2018

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
ITEM I.	BOA201718.18 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 <u>CARPORTS</u> filed by Robert Smith for a residential variance to construct a detached accessory building which is not allowed per Ordinance, on his property at 101 Silverwood Dr.
Discussion / Justification:	
APPLICANT:	Robert Smith
LOCATION:	101 Silverwood Dr.
ZONING:	RE Residential
Applicant's Proposal: Applicant requests to build a detached carport accessory building.	
Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORTS, states:	
A. <u>Prohibition</u> . Free standing carports are not permitted.	
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; 14 certified letters mailed. There have been no responses.	
Sample Motion(s):	
"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO ROBERT SMITH AT 101 SILVERWOOD DR. TO CONSTRUCT A DETACHED CARPORT ACCESSORY BUILDING AS PRESENTED IN BOA201718.18."	

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>48,500</u>
Zoning:	Valuation w/land:
Project Address: <u>101 Silverwood</u>	
Lot: _____	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>Car port</u>	
Description of Work: <u>100% Western Red Cedar Pavilion</u>	
Area Square Feet: _____	Covered: _____
Living: _____	Garage: _____ Porch: _____ Total: _____ Number of stories: <u>1</u>

Homeowner's name: <u>Robert Smith</u>	
Address: <u>101 Silverwood Ln</u>	
Contact Number: <u>214-455-5938</u>	Email: <u>ccurry@lawn-master.com</u>

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Lawn-Master Outdoor Living</u>	<u>Colby Curry</u>	<u>214-455-5938</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: Colby Curry

Date: 6-27-18

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: <u>180 Days</u>
Capital Recovery Fee: _____		Issued By: _____
Fire Meter: _____		
Water Meter Cost: _____		
Water Impact: _____		
Sewer Connection Fee: _____		BV Project # _____
Sewer Impact: _____		

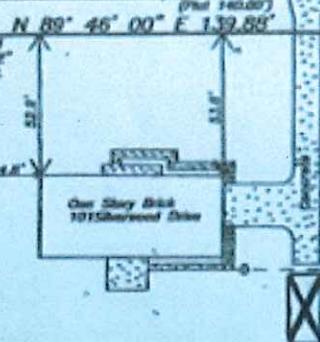


SILVERWOOD DRIVE

50' R.O.R.

As-built Presented

Scale
1" = 40'



Lot 7

19x24
Lot 8
Block 2
0.9291 Acre

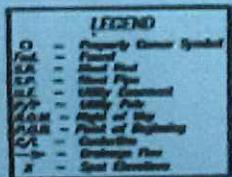
Lot 9

Lot 10

N 89° 34' 40" W 139.95"
(Plat N 89° 46' 00" E 140.00)

Lot 11

Lot 12



Lot 8, Block 2, of WOODLAWN ACRES ADDITION, SECOND SECTION,
on Addition to the City of Ovilla, Ellis County, Texas, according
to the Plat thereof recorded in Cabinet A, Slide 502, of the
Plat Records of Ellis County, Texas.

(also known as 101 Silverwood Drive)

To the best of my knowledge and belief, the following deeds and/or easements
do not affect the subject property:

Texas Power & Light Co.

336/476, 348/192 DRCT

The Plat herein is a true and accurate representation of the property as determined by a survey made on the ground, the lines and dimensions of said property being as indicated on the plat. The size, location and boundaries of buildings and improvements being within the boundaries of the property as shown on the plat. There are no wells, tanks, reservoirs, foundations or structures, except as shown on the plat, further certify that no portion of the property, or any part thereof, is owned or controlled by the Texas Power and Light Company. Plat Map for the City of Ovilla, County of Ellis, Texas, 1996.

Walter Kevin Davis

Registered Professional Land Surveyor
#4486



ENGINEERED

D & M
SURVEYORS

DAVIS & McDILL

P.O. BOX 428, WAXAHACHIE, TEXAS 75165
PHONE: METRO (972) 832-1185

Description: Survey Plat

Client: Commonwealth Land Title Co.

C.F. # 961281.5W

Drawn by: Kevin Huber

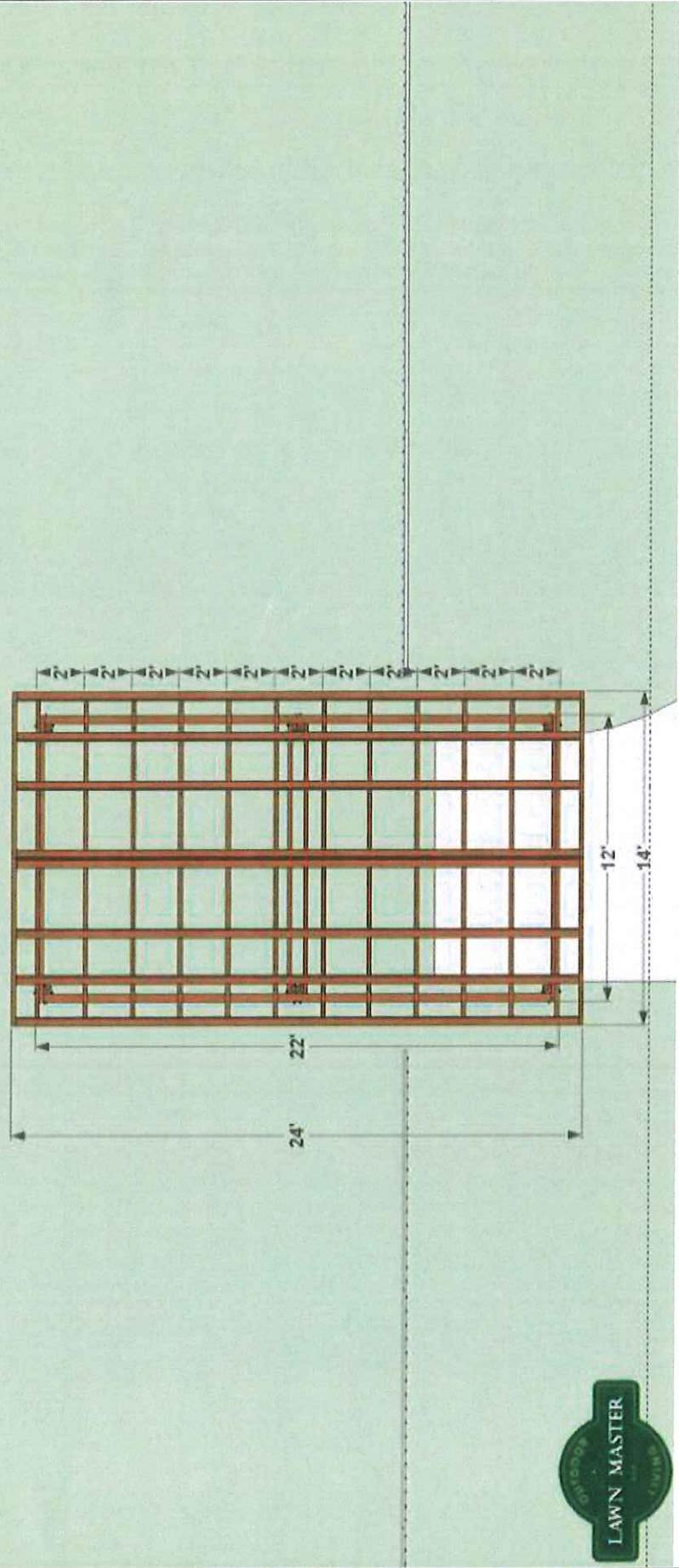
Scale: 1" = 40' Date: November 18, 1996 Job # 96-891

100% western red cedar
 -6x6 post in ground 36" with
 6" gravel base and 2- 1/2" x 12"
 rebar pins embedded in concrete
 -4x8 headers
 -6/12 roof pitch
 -12" overhangs
 -2x6 rafters 24" o.c. max
 -2x4 purlings 32" o.c. max
 -26 ga R-panel metal roofing
 -5/8" all thread bolts
 -3" ring shank, galv nails .120 dia.

Special Conditions
~~1. Post on Stabs~~
~~2. Post on Stabs~~
 Initial _____

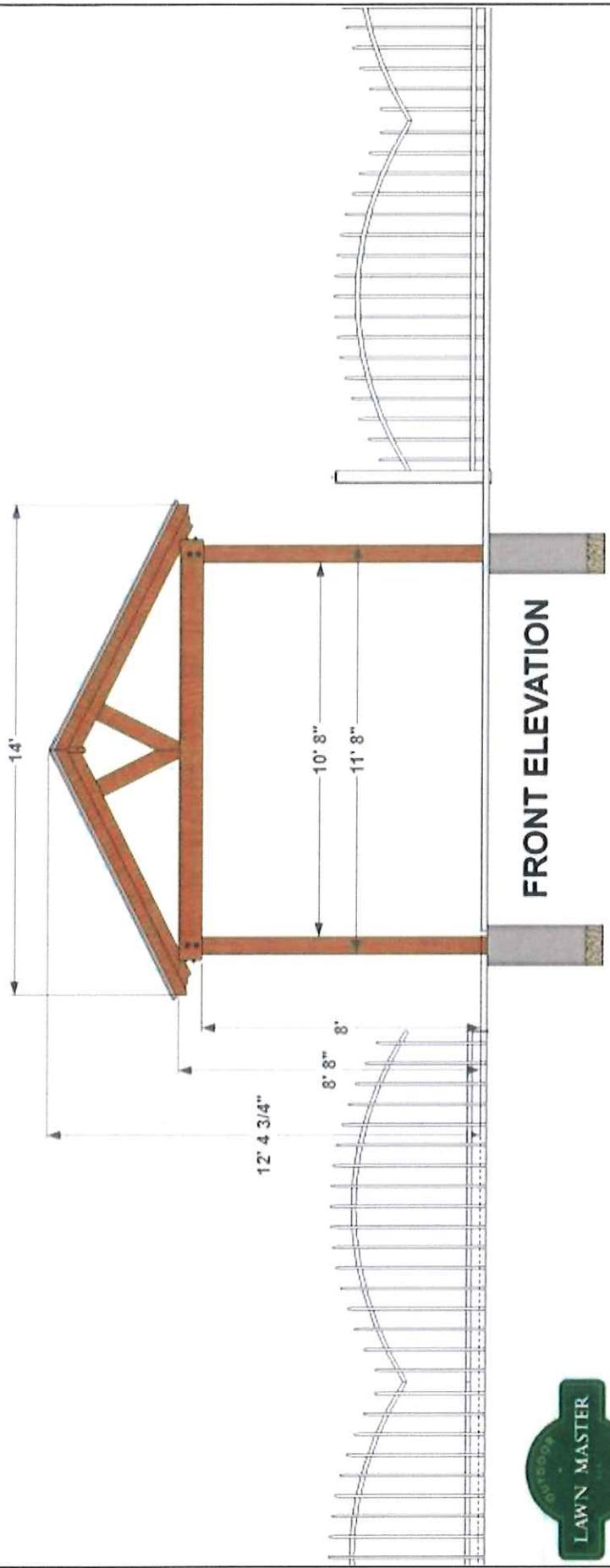


Project Description: 14 X 24 Ranch Pavilion		Notes:
Stain Color: Red		Endcut Style: Classic
Customer Name: Mr. & Mrs. Robert Smith		
Territory Manager: Corey Cribbs	Project Address: 101 Silverwood City, State & ZIP: Ovilla, TX	
Reviewer: <small>(FOR OFFICE USE ONLY)</small>	Customer Approval – After reviewing this document, please sign and date all included pages. Signature _____ Date _____	
Please specify the best phone number that homeowner(s) can be reached at by Lawn Master builders during installation (NECESSARY ONLY ON ONE PAGE OF THE DRAWINGS)		
Contents and designs of these drawings are the exclusive property of Lawn Master Outdoor Living LLC and duplication of such drawings is unauthorized without the expressed written consent of Lawn Master Outdoor Living LLC .		

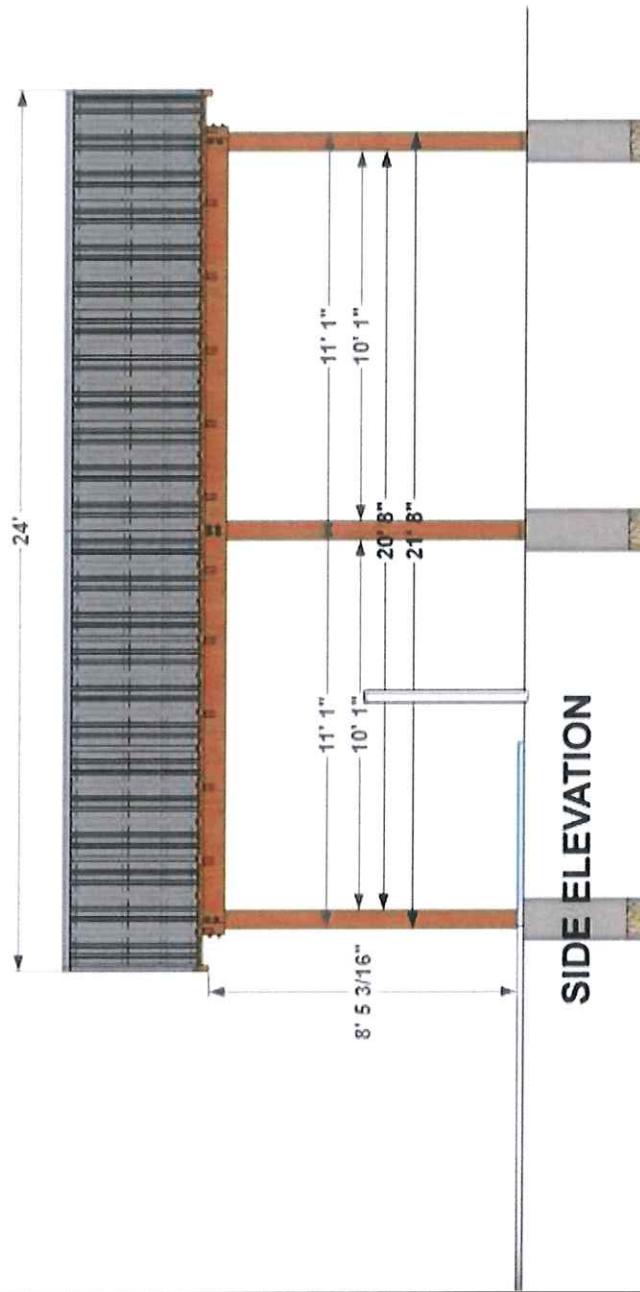


Notes:	<p>Customer Approval – After reviewing this document, please sign and date all included pages.</p> <p>Signature _____ Date _____</p> <p>Please specify the best phone number that homeowner(s) can be reached at by Lawn Master builders during installation (NECESSARY ONLY ON ONE PAGE OF THE DRAWINGS)</p>	
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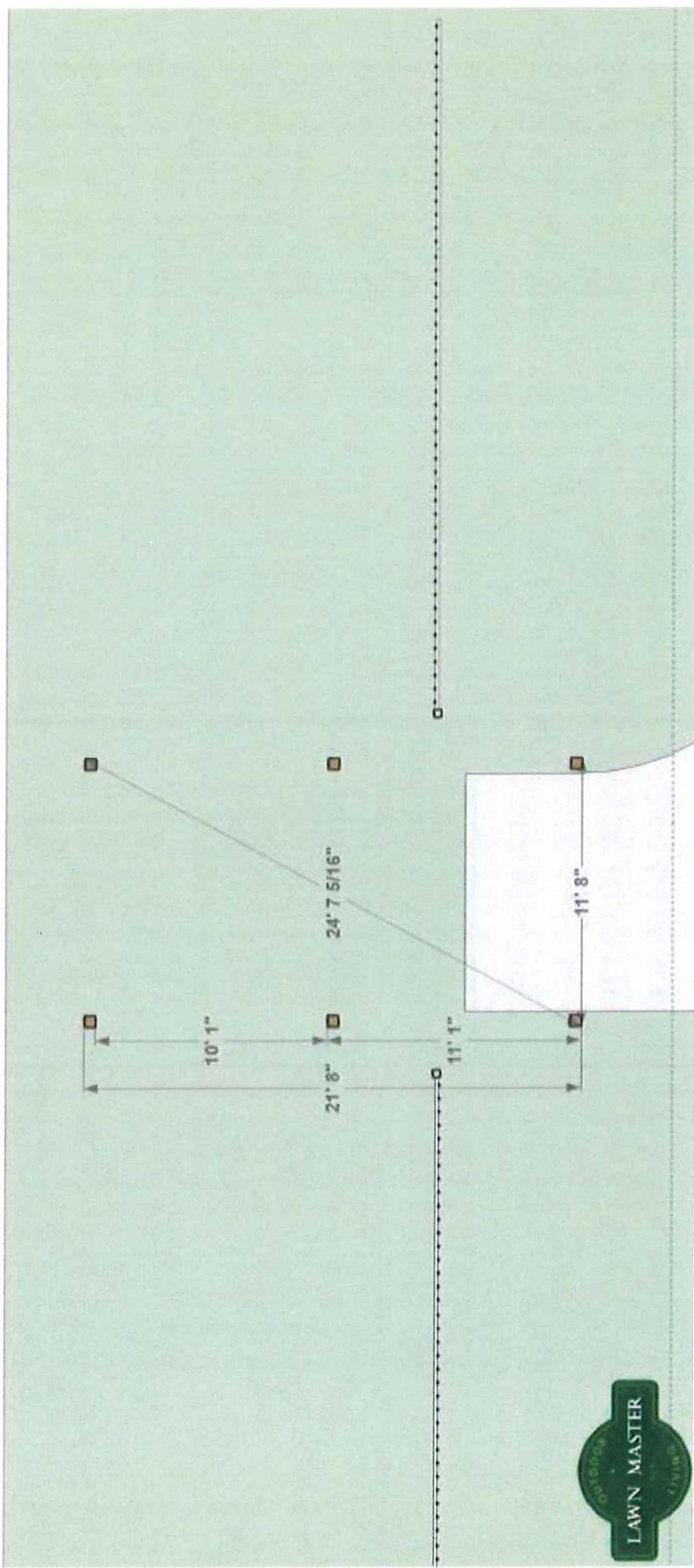


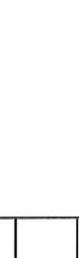
		<p>Project Description: 14 X 24 Ranch Pavilion</p> <p>Stain Color: Red</p> <p>Customer Name: Mr. & Mrs. Robert Smith</p>		<p>Notes:</p>	
<p>Project Address: 101 Silverwood</p> <p>City, State & ZIP: Ovilla, TX</p>		<p>Reviewer: Corey Cribbs</p> <p>Signature _____</p>		<p>Customer Approval – After reviewing this document, please sign and date all included pages.</p> <p>Date _____</p>	
<p>Territory Manager:</p> <p>Corey Cribbs</p>		<p>(FOR OFFICE USE ONLY)</p>		<p>(Please specify the best phone number that homeowner(s) can be reached at by Lawn Master builders during installation NECESSARY ONLY ON ONE PAGE OF THE DRAWINGS)</p>	

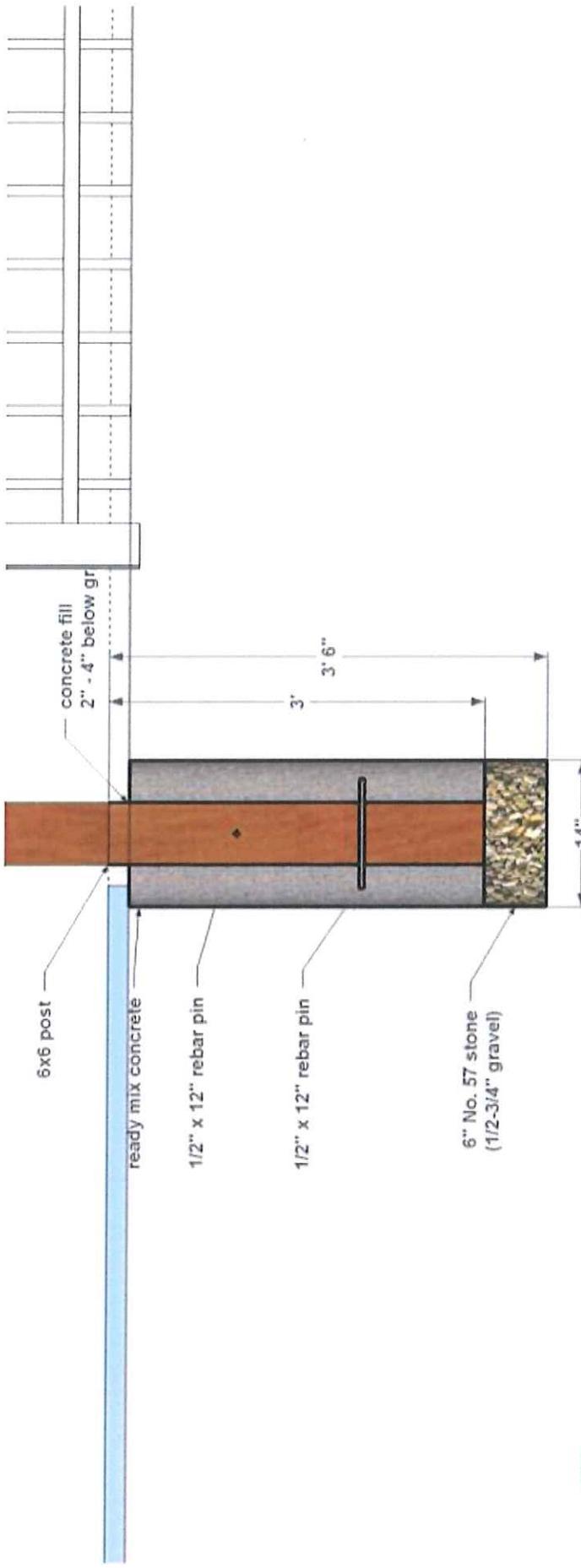


 Project Description: 14 X 24 Ranch Pavilion		Notes: (_____) - _____ <small>Please specify the best phone number that homeowner(s) can be reached at by Lawn Master builders during installation (NECESSARY ONLY ON ONE PAGE OF THE DRAWINGS)</small>
Stain Color: Red	Endcut Style: Classic	
Customer Name: Mr. & Mrs. Robert Smith		Customer Approval – After reviewing this document, please sign and date all included pages. Reviewer: _____ Signature: _____ <small>(FOR OFFICE USE ONLY)</small>
Territory Manager: Corey Cribbs		
Project Address: 101 Silverwood City, State & ZIP: Ovilla, TX		

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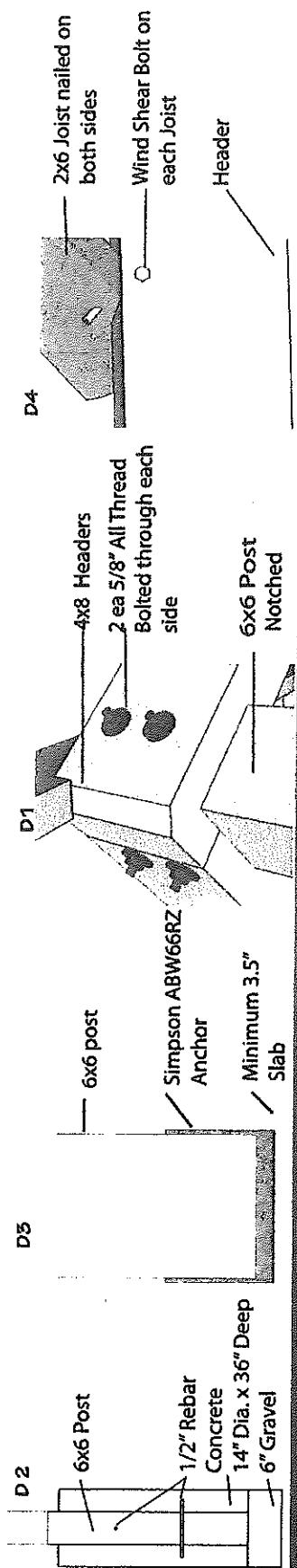
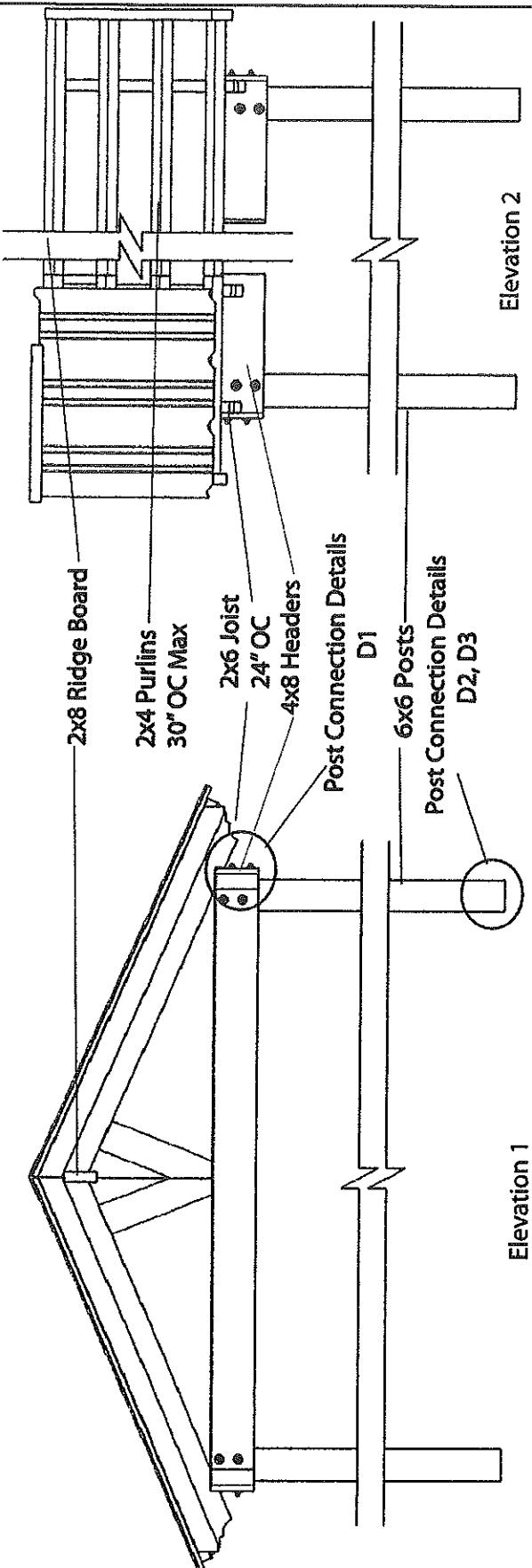
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<p>Corey Cribbs</p>		<p>Reviewer: Customer Approval – After reviewing this document, please sign and date all included pages.</p>	
<p>(FOR OFFICE USE ONLY)</p>		<p>Signature _____ Date _____</p>	
<p>Notes:</p>		<p>() _____ - Please specify the best phone number that homeowner(s) can be reached at by Lawn Master builders during installation (NECESSARY ONLY ON ONE PAGE OF THE DRAWINGS)</p>	



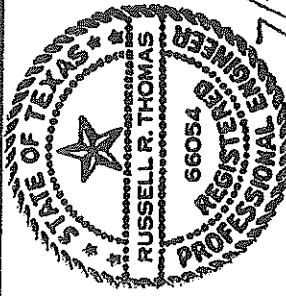
IN GROUND DETAIL



		<p>Project Description: 14 X 24 Ranch Pavilion</p>	
<p>Stain Color: Red</p>		<p>Endcut Style: Classic</p>	
<p>Customer Name: Mr. & Mrs. Robert Smith</p>		<p>Project Address: 101 Silverwood</p>	
<p>Territory Manager: Corey Cribbs</p>		<p>City, State & ZIP: Ovilla, TX</p>	
<p>Reviewer: _____ <small>(FOR OFFICE USE ONLY)</small></p>		<p>Customer Approval – After reviewing this document, please sign and date all included pages.</p> <p>Signature _____ Date _____</p> <p>Contents and designs of these drawings are the exclusive property of <i>Lawn Master Outdoor Living LLC and duplication of such drawings is unauthorized without the expressed written consent of <i>Lawn Master Outdoor Living LLC</i>.</i></p>	
<p>Notes: _____</p>			
<p>(_____) - _____ Please specify the best phone number that homeowner(s) can be reached at by Lawn Master builders during installation (NECESSARY ONLY ON ONE PAGE OF THE DRAWINGS)</p>			



American Energy & Environmental
Engineering, Inc. (F3516)
P.O. Box 1179
Ennis, TX 75120



James R. Thomas
Signature

Ranch
Pavilion

PO Box 837
Waxahachie, TX 75168
Office 877.553.9931
FAX 972.937.7109



7/1/16

The Structure will sustain wind pressures from 130 mph wind speed (with a 3 second gust) with standard length and design.

Materials:

- The Ranch Pavilion is constructed from 100% Western Red Cedar.
- Headers are 4"x8", with a maximum span of 16'.
- The joists are 2"x6" on 24" centers
- The Posts are 6"x6", with a maximum length of 10' above grade.
- 2x4 Purlins 30" OC max.
- Bolts are 5/8" all thread.
- Nails are 3"x .120" Dia ringshank.

Assembly:

All members of the structure are properly connected in accordance with the Manufacturer's recommendations along with the requirements of the International Residential Code.

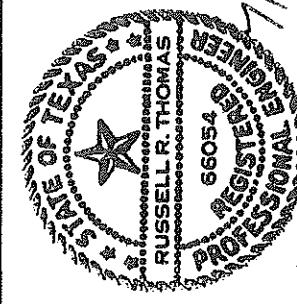
6"x6" post may be anchored to a minimum 3.5" thick concrete slab on grade, utilizing Simpson ABW66RZ post base with 1/2" "wedge-all anchor bolt", or OZCO 56608 6x6 anchor, provided the weight per anchor point does not exceed 750lbs. The post may also be cemented into the ground in a 14" minimum diameter by 36" deep post in concrete with 6" gravel footing for Ranch Pavilions.

The Pergola is to be constructed in accordance with LMOL specifications, and in accordance with the International Residential Code 2006, 2009, 2012, 2015.

* All of the mentioned building materials are sufficient to support the structure, and are code compliant with International Building Code and International Residential Code 2006, 2009, 2012, 2015. requirements..

PO Box 837
Waxahachie, TX 75168
Office 877.553.9931
FAX 972.937.7109

American Energy & Environmental
Engineering, Inc. (F3516)
P.O. Box 1179
Ennis, TX 75120



R. R. THOMAS
LAWN MASHER
PROFESSIONAL ENGINEER
REGISTRATION NO. 66054
STATE OF TEXAS
1/1/16

Russell R. Thomas
Signature

Ranch
Pavilion



COPY

Accessory Building Permit Checklist

DATE 6-27-18

OWNER Robert Smith

ADDRESS 101 S. Herewood

1. Permit Signed by property owner Yes No Detached
2. Use of building CAR PORT Yes No Detached
3. Plot plan with survey stamp Yes No
4. Building Material Brick Stone Hardiplank Wood Other
5. Roof Material metal Yes No
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 MD
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 932
14. Total square footage 480 Total square footage allowed 2000
15. Variance required Yes No

Approved Denied Reason →

1- Detached carport
2- Main Door Facing Front
3- location - not Behind
Rear plane - OK
MD

DATE 6-27-18

NAME M. Smith

Variance required

101 Silverwood

1-Detached Carport –

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

2 - Front facing –

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

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. _____



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.

Modern day vehicles are much longer then older vehicles it's much easier to pull straight in to car port that is parallel to the house rather then to try and turn into garage.

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 car port/Pavilion would not be extending beyond the build line or front line of the home. But instead be at the end of the driveway beyond the home.

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

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.



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 car port will be very decorative and built out of 100% western red cedar, could increase value.

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 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. _____

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. 8

Property Address 101 Silverwood

Block No. 2

Zoning _____

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

Seeking a variance for a 100% western red cedar pavilion with a decorative metal roof designed to keep his new vehicle free from Mother Nature. His vehicle does not fit in his modern garage and instead the pavilion will be built parallel to the home for easy access.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



• Case No. _____

I have completed the following requirements:

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

I authorize Robert Smith of 101 Silverwood Dr.
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name Robert Smith

Mailing Address 101 Silverwood Dr.

Telephone (Hm) 214-454-4111

Telephone (Wk) 214-454-4111

Email Puresmith@att.net



Applicant's signature

7/19/2018

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: ROBERT SMITH
Address: 101 SILVERWOOD DR.

Case Number: 201718.18

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 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: 2

DISCUSSION & ACTION Meeting Date: August 20, 2018

Attachments:

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

Agenda Item / Topic:

ITEM 2. **BOA201718.19** – Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3, PLACEMENT, filed by Robert Smith for a variance to construct an accessory building with the main opening facing front on his property at 101 Silverwood Dr.

Discussion / Justification:

APPLICANT: Robert Smith
LOCATION: 101 Silverwood Dr.
ZONING: RE Residential

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

Discussion:

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

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

BOARD DISCUSSION: The Board is allowed to grant a Variance under certain circumstances & after review of the **Findings of Fact** form.

NOTICES: One public notice listed in the Ellis County Press; 14 certified letters mailed. There have been no responses.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO ROBERT SMITH AT 101 SILVERWOOD DR. TO CONSTRUCT AN ACCESSORY BUILDING WITH THE MAIN OPENING FACING THE FRONT OF THE PROPERTY AS PRESENTED IN BOA201718.19."



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. _____



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.

Modern day vehicles are much longer than older vehicles it's much easier to pull straight in to car port that is parallel to the house rather than to try and turn into garage.

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 car port/Pavilion would not be extending beyond the build line or front line of the home. But instead be at the end of the driveway beyond the home.

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

Yes

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

Yes



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

The car port will be very decorative and built out of 100% western red cedar, could increase value.

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. _____

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. 8 Property Address 101 Silverwood
Block No. 2 _____

Zoning _____

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

Seeking a variance for a 100% western red cedar pavilion with a decorative metal roof designed to keep his new vehicle free from Mother Nature and front facing car port. His vehicle does not fit in his modern garage and instead the pavilion will be built parallel to the home for easy access. The front of the pavilion will face the street but is very decorative and can add value.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



- Case No. _____

I have completed the following requirements:

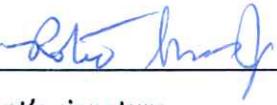
1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot/site plan
3. Completed all sections of the application

I authorize Robert Smith of 101 Silverwood Dr.
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name	<u>Robert Smith</u>
Mailing Address	<u>101 Silverwood Dr.</u> _____ _____
Telephone (Hm)	<u>214-454-4111</u>
Telephone (Wk)	<u>214-454-4111</u>
Email	<u>Puresmith@att.net</u>



Applicant's signature

8/8/2018

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: ROBERT SMITH
Address: 101 SILVERWOOD DR.

Case Number: 201718.19

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

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

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
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: 3

DISCUSSION & ACTION

Meeting Date: August 20, 2018

Attachments:
None
Agenda Item / Topic:
ITEM 3. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.
Discussion / Justification:
N/A
Recommendation / Staff Comments:
N/A
Sample Motion(s):
N/A