

Chair Carol Richtsmeier, PL1
Ozzie Molina, PL2
Barbara Betik, PL3
Stephanie Heimbuch, PL4

City of Ovilla

Vice Chair, Richard Ware, Jr. PL5
ALT- Patricia Halyard - King, PL6
ALT- Vacant, PL7
Mike Dooly, Code Enforcement

AGENDA

Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
September 17, 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, September 17, 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

Oaths & Statement of Office for Zoning Board of Adjustment Member
Stephanie Heimbuch, PL4 (*moved from Alternate, PL7*)

- ◆ Minutes August 20, 2018 & July 16, 2018 Meeting Date
- ◆ FY 2018 - 2019 Calendar of Meetings

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. **BOA201718.20 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Hamid El Mounla for a residential variance to construct an accessory building which is not located behind the rear plane of the main dwelling per Ordinance, on his property at 405 Bluff Creek.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Hamid El Mounla.

ITEM 2. **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 **September 17, 2018 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 14th day of September 2018, prior to 6:00 p.m.


Glennell Miller
Deputy City Secretary

DATE OF POSTING: Sept. 14, 2018 TIME: 3:00 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm



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

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

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:01 p.m. with the following BOA members present, thus constituting a quorum:

Carol Richtsmeier	Board Member
Richard Ware	Board Member
Barbara Betik	Board Member
Ozzie Molina	Board Member
Stephanie Heimbuch	Board Member (Alt.)

A moment of silence was held for the passing of Place 4, Sandra Cawley.
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.

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

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

None

CONSENT ITEMS

None

Individual Consideration
&
PUBLIC HEARING

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

- ITEM 1.** ***DISCUSSION/ACTION - 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 on their property at 101 Silverwood Dr.
- ITEM 2.** ***DISCUSSION/ACTION - BOA201718.18 - 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 residential variance to construct an accessory building with the main opening facing front of the property 101 Silverwood Dr.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:06 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation on the applicant's request. Some of the concerns the board had were addressed at this time, i.e.: it was

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

confirmed that the carport was open on all sides, and that the carport would sit at the end of the driveway.

(Testimony that followed was under proper oath; Applicant)

Applicant stated he was spending over \$10k on the carport so that it would look very nice. He explained that he needed the additional space for parking.

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

None

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

None

(Rebuttal or Final Comments:)

None

The Public Hearing was closed at 7:21 p.m.

INDIVIDUAL CONSIDERATION

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

Vice Chair Ware read aloud the Findings of- Fact. After much discussion, the Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a **positive** outcome.

PL3 Betik moved that the BOA **APPROVE** the request for Robert Smith at 101 Silverwood Dr. for a variance to construct a detached carport accessory building on property as presented in BOA 201718.18.

PL Molina seconded the motion.

Record vote was called:

Record Vote:

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

VOTE: The motion to APPROVE carried 4-0.

ITEM 2. ***DISCUSSION/ACTION - 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 residential variance to construct an accessory building that is facing the front of the property located at 101 Silverwood DR.

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

INDIVIDUAL CONSIDERATION

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

PL3 Betik moved that the BOA **APPROVE** the Variance to Robert Smith at 101 Silverwood Dr. to construct an accessory building that will face the front of the property as presented in BOA 201718.19.

PL6 Molina seconded the motion.

Record Vote:

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

None

Zoning Board of Adjustments Requests for Future Items

None

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:31 p.m.

Carol Richtsmeier, Chair

ATTEST:

Glennell Miller, Board Secretary

Approved on September 17, 2018

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



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: ROBERT SMITH

Case Number: 201718.18

Address: 101 SILVERWOOD DR.

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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch			
Alt. Member Patricia Halyard-King			

TOTALS:

<u>4</u>	FOR
<u>0</u>	AGAINST
<u>0</u>	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: ROBERT SMITH

Case Number: 201718.19

Address: 101 SILVERWOOD DR.

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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch			
Alt. Member Patricia Halyard-King			

TOTALS:	<u>4</u>	FOR
	<u>0</u>	AGAINST
	<u>0</u>	ABSTAIN

The variance is hereby: ✓ granted denied

Presiding Officer of BOA

Date _____

City or Board Secretary

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

New Alternate Member of the Zoning Board of Adjustment was introduced and sworn in prior to the start of the meeting: Patricia Halyard-King, PL6. Incumbent members were sworn in at this time as well: Ozzie Molina PL2 & Sandra Cawley, PL4.

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:05 p.m. with the following BOA members present, thus constituting a quorum:

Carol Richtsmeier	Board Member
Richard Ware	Board Member
Barbara Betik	Board Member
Sandra Cawley	Board Member
Ozzie Molina	Board Member
Patricia Halyard-King	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.

PL7 Stephanie Heimbuch (Alt.) did not attend.

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

CONSENT ITEMS

- Minutes of the May 21, 2018 BOA Meeting

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

PL2 Molina seconded the motion.

VOTE: The motion carried 5-0

Individual Consideration

&

PUBLIC HEARING

The order of the Agenda was changed per Chair Richtsmeier. Item 1 and Item 2 were moved to the end of the Agenda and both Items 3 & Items 4 were explained/discussed for consideration at this time.

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.

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

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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:15 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. Both buildings will be constructed with metal materials and be used as extra storage and for a barn for protection for the livestock on the property.

(Testimony that followed was under proper oath; Applicant)

Applicant reiterated what Officer Dooly explained to the board and just wanted to confirm with the board that a clean nice look to the buildings in keeping with the other surrounding property owner's accessory buildings.

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

None

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

None

The Public Hearing was closed at 7:25 p.m.

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Tracy & Marshay White. (BOA#11)

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

Vice Chair Ware moved that the BOA **APPROVE** the request for Tracy & Marshay White at 106 Lariat Trail for a variance to construct an accessory building that is made of metal construction material as presented in BOA 201718.11.

PL Molina seconded the motion.

Record vote was called:

Record Vote:

RICHTSMEIER	<u>AYE</u>
BETIK	<u>AYE</u>

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

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

VOTE: The motion to APPROVE carried 5-0.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Tracy & Marshay White. (BOA#12)

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

Vice Chair Ware moved that the BOA **APPROVE** the request for Tracy & Marshay White at 106 Lariat Trail for a variance to construct an accessory building that is made of metal construction material as presented in BOA 201718.12.
PL Molina seconded the motion.

Record vote was called:

Record Vote:

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

VOTE: The motion to APPROVE carried 5-0.

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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:37 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation that the applicant is requesting to replace the existing fence on his property with cedar pickets and metal posts. The fence will be in the same placement of the existing fence.

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

Applicant reiterated the material and placement of the fence, stating it is in line with the road and is needed for safety.

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

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

None

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

None

(Rebuttal or Final Comments:)

None

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

INDIVIDUAL CONSIDERATION

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

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

PL3 Betik moved that the BOA **APPROVE** the Variance to Daniel Sims to construct a fence on his property as presented in BOA 201718.13.

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>AYE</u>

VOTE: The motion to APPROVE carried 5-0.

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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:56 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation on the applicant's request. The accessory building could not be placed behind the rear plane of the property due to the creek that runs just behind the home.

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

(Testimony that followed was under proper oath; Applicant)

Applicant reiterated what Officer Dooly explained to the board and just wanted to confirm with the board with photos of the property and the creek running behind their lot.

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

Charlie Morton — 1207 Red Oak Creek Drive – spoke in agreement and in favor

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

None

The Public Hearing was closed at 8:03 p.m.

INDIVIDUAL CONSIDERATION

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

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

Vice Chair Ware moved that the BOA **APPROVE** the request for Wes & Belinda Wadsworth at 1211 Red Oak Creek Lane for a variance to construct an accessory building that is not behind the rear plane of the main dwelling as presented in BOA 201718.14.

PL6 Molina seconded the motion.

Record Vote:

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

VOTE: The motion to **APPROVE** carried 5-0.

(At this time Chair Richtsmeier stated that Items 7, 8, & 9 would be discussed/considered at the same time)

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.

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

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.

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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 8:05 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooley shared with the Board a brief explanation on the applicant's request. The accessory building will be metal and used as a detached carport, as well as the square footage being over the allowed amount per 1 acre of property.

(Testimony that followed was under proper oath; Applicant)

Applicant reiterated what Officer Dooley explained to the board and wanted to confirm with the board that the building will be of high quality and not temporary. He stated that he has made a large investment and needs protection from the environment. Also explained it is in line with the surrounding property owners, and the accessory buildings/carports they invested in.

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

None

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

None

The Public Hearing was closed at 8:11 p.m.

INDIVIDUAL CONSIDERATION

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

The Findings of Fact were read aloud. After much discussion, the Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a **positive** outcome on #15, #16 & #17.

Vice Chair Ware moved that the BOA **APPROVE** the request for Daniel Rydberg at 704 Buckboard for a variance to construct an accessory building that is made of metal material as presented in BOA 201718.15.

PL Molina seconded the motion.

Record Vote:

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

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

VOTE: The motion to APPROVE carried 5-0.

Vice Chair Ware moved that the BOA **APPROVE** the request for Daniel Rydberg at 704 Buckboard for a variance to construct a detached carport as presented in BOA 201718.16. PL6 Molina seconded the motion.

Record Vote:

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

VOTE: The motion to APPROVE carried 5-0.

Vice Chair Ware moved that the BOA **APPROVE** the request for Daniel Rydberg at 704 Buckboard for a variance to construct an accessory that is larger than allowed amount per square footage as presented in BOA 201718.17. PL6 Molina seconded the motion.

Record Vote:

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

VOTE: The motion to APPROVE carried 5-0.

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

Nominations were given:

I. Carol Richtsmeier

No other nominations were given.

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

Vice Chair Ware made the motion that the Zoning Board of Adjustment appoint Carol Richtsmeier as the Chair.

PL6 Molina seconded.

VOTE: The motion passed 5-0.

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

Nominations were given:

I. Richard Ware

No other nominations were given.

PL6 Molina made the motion that the Zoning Board of Adjustment appoint Richard Ware as the Vice Chair.

PL4 Cawley seconded.

VOTE: The motion passed 5-0.

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

None

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 8:24 p.m.

Carol Richtsmeier, Chair

ATTEST:

Glennell Miller, Board Secretary

Approved on September 17, 2018

Attachment(s): *Findings-of-Fact (7)*



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: TRACY & MARSHAY WHITE

Case Number: 201718.11

Address: 106 LARIAT TRAIL

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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	-		
Alt. Member Patricia Halyard-King	-		

TOTALS:
5 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: 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
Member Carol Richtsmeier	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	-		
Alt. Member Patricia Halyard- King	-		

TOTALS:
 5 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 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	AYE		
Vice Chair Richard Ware	AYE		
Member Sandra Cawley	AYE		
Member Barbara Betik	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	-		
Alt. Member Patricia Haylard-King	-		

TOTALS:

5
0
0

FOR
AGAINST
ABSTAIN

The special exception is hereby:

✓ **granted** _____ **denied**

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: WES & BELINDA WADSWORTH

Case Number: 201718.14

Address: 1211 RED OAK CREEK DR.

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

TOTALS:

5 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: 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
Member Carol Richtsmeier	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	-		
Alt. Member Patricia Haylard-King	-		

TOTALS:
 5 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: DANIEL RYDBERG
Address: 704 BUCKBOARD ST.

Case Number: 201718.16

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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	-		
Alt. Member Patricia Haylard-King	-		

TOTALS:
5 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: DANIEL RYDBERG
Address: 704 BUCKBOARD ST.

Case Number: 201718.17

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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Sandra Cawley	AYE		
Member Ozzie Molina	AYE		
Alt. Member Stephanie Heimbuch	-		
Alt. Member Patricia Haylard-King	-		

TOTALS:
5 FOR
0 AGAINST
0 ABSTAIN

The variance is hereby: ✓ granted denied

Presiding Officer of BOA

Date

City or Board Secretary

FY2018-2019 BOARD OF ADJUSTMENT MEETINGS CALENDAR

***INCLUDING APPLICANT REQUEST
SUBMISSION DEADLINES***

Applicant Application Submission Deadline	BOARD OF ADJUSTMENT Meeting Dates
	Third Monday of each month (except for holidays- set to the following day, Tuesday)
September 14, 2018	October 15, 2018
October 19, 2018	November 19, 2018
November 16, 2018	December 17, 2018
December 21, 2018	January 22, 2019 (TUES)
January 18, 2019	February 19, 2019 (TUES)
February 15, 2019	March 18, 2019
March 15, 2019	April 15, 2019
April 19, 2019	May 20, 2019
May 17, 2019	June 17, 2019
June 14, 2019	July 15, 2019
July 19, 2019	August 19, 2019
August 16, 2019	September 16, 2019

**The Board of Adjustment meets the third Monday of each month in the
Ovilla City Hall Council Chamber Room, at 7:00 P.M.**



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION Meeting Date: September 17, 2018

Attachments:

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

Agenda Item / Topic:

ITEM 1. BOA201718.20 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Hamid El Mounla for a residential variance to construct an accessory building which is not located behind the rear plane of the main dwelling which is not allowed per Ordinance, on his property at 405 Bluff Creek.

Discussion / Justification:

APPLICANT: Hamid El Mounla
LOCATION: 450 Bluff Creek
ZONING: R15 Residential

Applicant's Proposal: *Applicant requests to build an accessory building that is not behind the rear plane of the property.*

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

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

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; 22 certified letters mailed. There have been no responses.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO HAMID EL MOUNLA AT 450 BLUFF CREEK. TO CONSTRUCT AN ACCESSORY BUILDING WHICH IS NOT LOCATED BEHIND THE REAR PLANE OF THE MAIN DWELLING AS PRESENTED IN BOA201718.20."

Residential Building Permit Application

Building Permit Number: <u>6250</u>		Valuation: <u> </u>	
Zoning: <u> </u>		Valuation w/land: <u> </u>	
Project Address: <u>405 BLUFF CRK OVILLA TX 75154</u>			
Lot: <u> </u>		Subdivision: <u>OVILLA Creek ESTATE</u>	
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: <u> </u> 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 10 FT / 8 FT</u>			
Description of Work: <u> </u>			
Area Square Feet: <u> </u>		Covered Porch: <u> </u>	
Living: <u> </u>		Total: <u> </u> Number of stories: <u> </u>	

Homeowner's name: <u>HAMID EL MOUNLA</u>	
Address: <u>405 BLUFF CRK OVILLA, TX 75154</u>	
Contact Number: <u>469-855-1275</u>	Email: <u>HAMIDMOUNLA@hotmail.com</u>

General Contractor	Contact Person <u>GUMARO</u>	Phone Number <u>214-906-7205</u>	Contractor License Number <u> </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

NO WATER or electric

() 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: [Signature] Date: 08/20/2018

OFFICE USE ONLY:

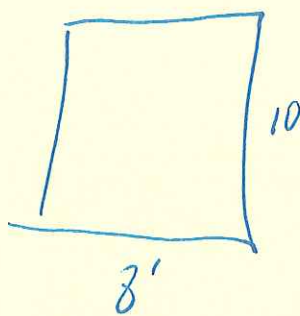
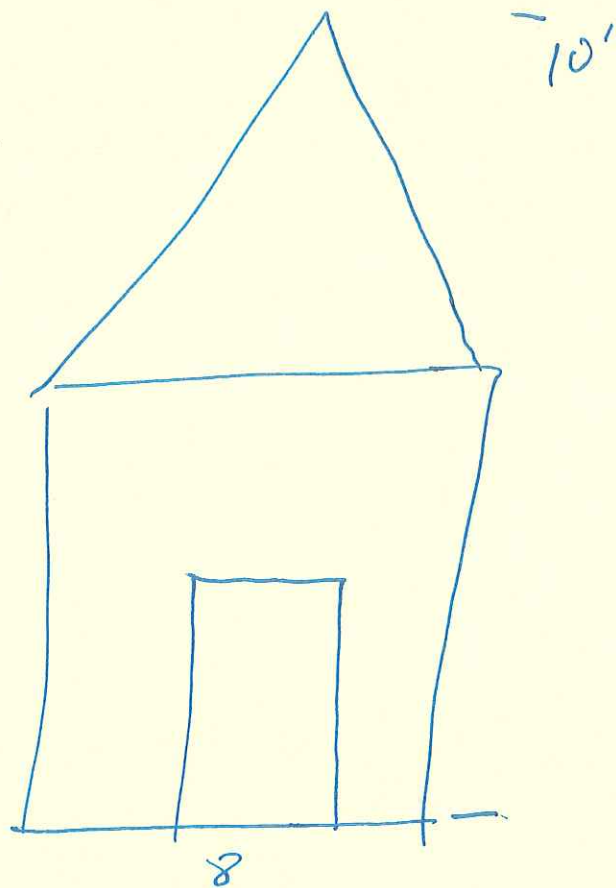
Approved by:	Date approved:
City Manager:	Date approved:

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

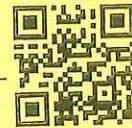
Receipt #

Total Fees:
 Issued Date:
 Expires: 180 Days
 Issued By:

BV Project #



SURVEY PLAT



RHODES
Surveying ©

WWW.RHODESSURVEYING.COM

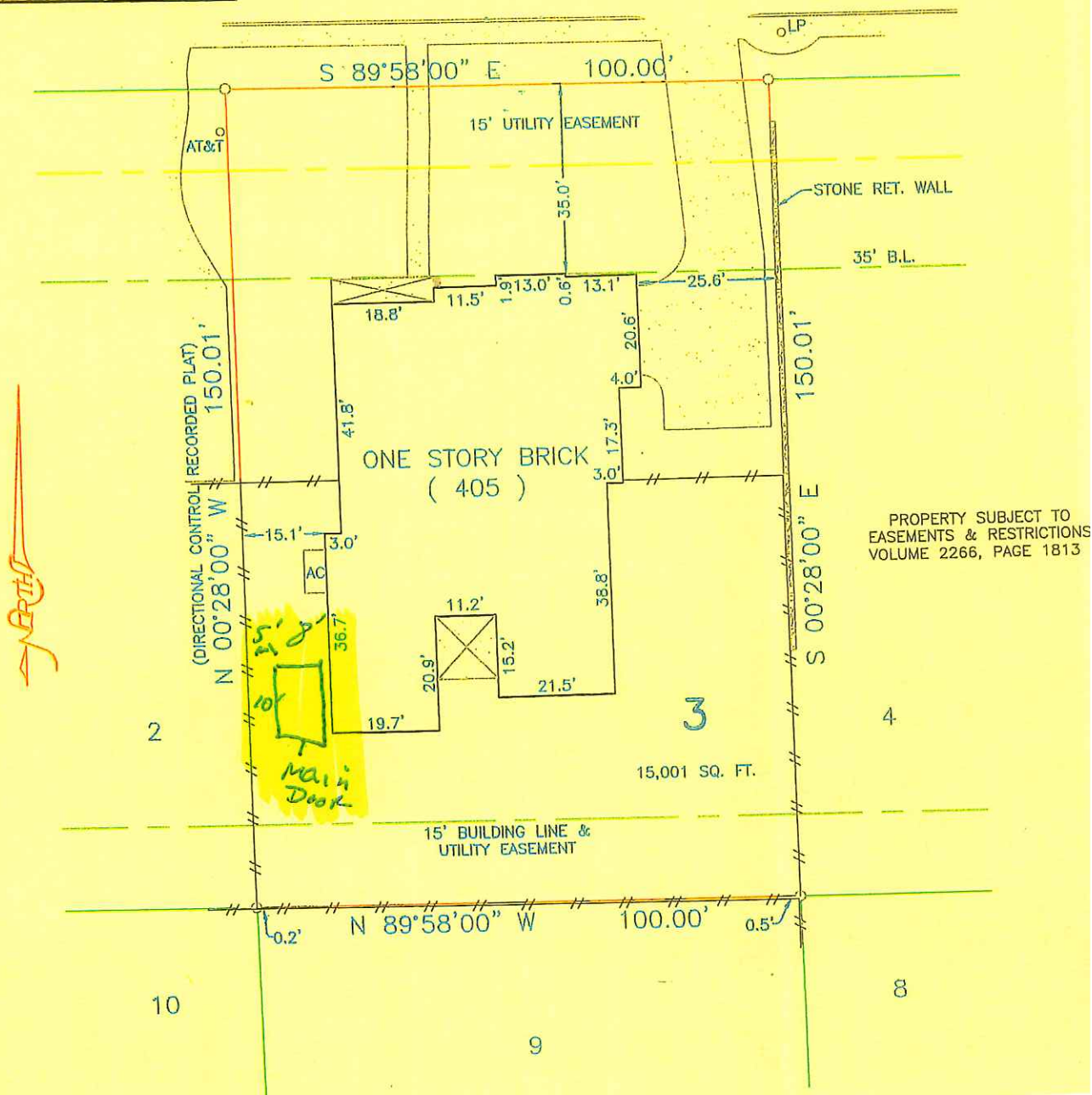
BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 405 BLUFF CREEK, in the city of OVILLA Texas.

Lot No. 3, Block No. B
of OVILLA CREEK ESTATES, A GATED COMMUNITY ADDITION, an addition in the city of OVILLA, ELLIS COUNTY Texas according to the MAP OR PLAT THEREOF RECORDED in CABINET H at SLIDE 191 of the MAP AND/OR PLAT records of ELLIS COUNTY, TEXAS.



BLUFF CREEK



PROPERTY SUBJECT TO
EASEMENTS & RESTRICTIONS
VOLUME 2266, PAGE 1813

Have Owner

Homeowner El Monte

105' Buff Creek

Quinta TX 75154

Plot 167 555 12 36

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

11' 2"

Plans Approved by
Ovilia Greek Estates
Home Owners Association
Architectural Control Committee
Date: 5/20/20 By: [Signature]

15' 0" Concrete

28' X 14' Vinyl in ground pool

21' 7" deep end



Pool House

11' 2" x 11' 2"



Pool House

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

Pool House

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

Pool Concrete

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

11' 2" x 11' 2"

20' 0" x 18' 0"

20' 0" x 18' 0"

20' 0" x 18' 0"

20' 0" x 18' 0"

20' 0" x 18' 0"





COPY

Accessory Building Permit Checklist

DATE 8-20-18

OWNER El Mouhla Hamid

ADDRESS 405 Bluff Creek

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Accessory storage
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☐ Brick ☐ Stone ☐ Hardiplank ☒ Wood ☐ Other
5. Roof Material comp
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 .34
14. Total square footage 130' Total square footage allowed 500'
15. Variance required ☒ Yes ☐ No

Approved

☒ Denied

Reason

DATE 8-20-18

NAME Mike Doo

CHAPTER 14

ZONING

30.3 **PLACEMENT**

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



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

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

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

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

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

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

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

Case No. BOA 201718.20



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.

POWER LINE

Condition 2: That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

yes

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

YES

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

YES



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

yes

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

yes

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

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

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

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

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



Case No. BOA201718.20

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 405 Bluff Creek

Block No. _____

Ovilla TX 75154

Zoning _____

The Applicant, _____, 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 a building beside the house

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



- Case No. BOA 201718.20

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 HANID E/ HOVNLA

Mailing Address 405 BLUFF CRK
OVILLA, TX 75154

Telephone (Hm) 469-855-1275

Telephone (Wk) _____
Email HANIDHOVNLA@hotmail.com

[Signature]
Applicant's signature

08/20/2018
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: HAMID EL MOUNLA

Case Number: 201718.20

Address: 450 BLUFF CREEK.

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
Member Carol Richtsmeier			
Member Richard Ware			
Member Barbara Betik			
Member Ozzie Molina			
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



villa Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION

Meeting Date: September 17, 2018

Attachments:	
None	
Agenda Item / Topic:	
ITEM 2.	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	