

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- Mark Clark PL7  
Mike Dooly, Code Enforcement

### AGENDA

Board of Adjustment Meeting  
105 S. Cockrell Hill Road, Ovilla, Texas 75154  
January 22, 2019

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 Tuesday, January 22, 2019 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

Oath & Statement of Office for New Zoning Board of Adjustment Member  
Mark Clark, PL7 Alternate

Minutes November 19, 2018 Meeting Date

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.** BOA201819.03 - **Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 CONSTRUCTION MATERIAL filed by Charles Wickersham for a residential variance to construct a METAL accessory building on less than the 2 acres of land that is allowed per Ordinance, on his property at 307 Cockrell Hill Rd.

**DISCUSSION/ACTION** – Consideration of requested **Variance** filed by Charles Wickersham.

**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 January 22, 2019 @ 7:00 P.M., was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 18th day of January 2019, prior to 6:00 p.m.

  
Glenn Miller  
Deputy City Secretary

DATE OF POSTING:  
DATE TAKEN DOWN:

Jan. 18, 2019

TIME: 9:00  
TIME: am/pm  
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, November 19, 2018***  
***Board of Adjustment Meeting***

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:03 p.m. with the following BOA members present, thus constituting a quorum:

Carol Richtsmeier	Board Member
Ozzie Molina	Board Member
Stephanie Heimbuch	Board Member
Barbara Betik	Board Member
Patricia Halyard-King	Board Member (Alt.)

City Manager John Dean & Code Enforcement Officer Mike Dooly were present.  
At this time Chair Richtsmeier asked PL3, Barbara Betik to call roll of present members, thus declaring a quorum.  
Vice Chair Richard Ware was noted absent.

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

**COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

None

**CONSENT ITEMS**

Minutes of the September 17, 2018 BOA Meeting

PL2 Molina made the motion that the BOA approve the consent items as presented.  
PL4 Heimbuch seconded the motion.

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

***At this time, Chair Richtsmeier recused herself from the Public Hearing and Individual Consideration of Item 1 – due to being a recipient of the Letter of Notice for this property. Place 3 Barbara Betik acts as Chair.***

**Individual Consideration**

**&**

**PUBLIC HEARING**

**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.

***PL3 Betik read aloud the captioned request and opened the Public Hearing at 7:07 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 behalf. The applicant originally requested a permit for the fence to be built inside the property line, but then changed his mind due to not having enough yard for his children to play in safely. The applicant has lost a

**CITY OF OVILLA MINUTES**  
**Monday, November 19, 2018**  
**Board of Adjustment Meeting**

lot of his yard to the utility easement, and additional yard to a 20 foot drop for the creek that runs behind the homes, therefore needed to make up the space by placing the fence further out. The yard is very close to the road and they want the fence for added safety.

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

The applicant was not in attendance

**(PL3 Betik asked that those speaking in support of the request to please step to the podium:)**

None

**(PL3 Betik asked that those speaking in opposition of the request to please step to the podium:)**

None

**(Rebuttal or Final Comments:)**

n/a

**The Public Hearing was closed at 7:15 p.m.**

**INDIVIDUAL CONSIDERATION**

**DISCUSSION/ACTION** – Consideration of requested **Special Exception** filed by Joel Evans.

PL4 Heimbuch 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.

PL4 Heimbuch moved that the BOA APPROVE the request for Joel Evans for a special exception to construct an a fence to or beyond the building line as requested in BOA 201819.01.

PL2 Molina seconded the motion.

Record vote was called:

**Record Vote:**

RICHTSMEIER	<u>RECUSED</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>AYE</u>
BETIK	<u>AYE</u>
<u>HALYARD-KING</u>	<u>AYE</u>

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

**ITEM 2.**      **Consideration** of any item(s) pulled from the Consent Agenda above for individual consideration and action.

None

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

None

**CITY OF OVILLA MINUTES**  
***Monday, November 19, 2018***  
***Board of Adjustment Meeting***

**Adjournment** There being no further business, Chair Richtsmeier adjourned the meeting at 7:21 p.m.

\_\_\_\_\_  
Chair Carol Richtsmeier

ATTEST:

\_\_\_\_\_  
Glennell Miller, Board Secretary

***Approved on January 22, 2019***

**Attachment(s):** *Findings-of-Fact (1)*  
Affidavit – Chair of BOA





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

**Applicant: JOEL EVANS**  
**Address: 918 RED OAK CREEK RD.**

**Case Number: BOA201819.01**

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**

<b>Chair Carol Richtsmeier</b>	<b>RECUSED</b>			
<b>Vice Chair Richard Ware</b>	<b>ABSENT</b>			
<b>Stephanie Heimbuch</b>		<b>AYE</b>		
<b>Member Barbara Betik</b>		<b>AYE</b>		
<b>Member Ozzie Molina</b>		<b>AYE</b>		
<b>Alt. Member Patricia Halyard-King</b>		<b>AYE</b>		

**TOTALS:**

4      **FOR**  
0      **AGAINST**  
0      **ABSTAIN**

**The special exception is hereby:**

✓ **granted**             **denied**

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

\_\_\_\_\_  
**DATE**

**Attest:**

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

\_\_\_\_\_  
**DATE**



## AFFIDAVIT

STATE OF Texas )

)

COUNTY OF Ellis )

That on this 19 day of Nov, 2018, CAROL RICHTSMETER personally came  
and appeared before me at      o'clock AM/PM Ovilla Municipal Building, of Ovilla, Texas,  
known to me, who says:

*Per the Local Government Code, Section 171, I am filing this affidavit stating that I*

*shall abstain from voting and participating in the Zoning Board of Adjustment*  
*matter of* 918 RED OAK CREEK ROAD

SPECIAL EXCEPTION

*The nature and extent of my interest in this matter is* \_\_\_\_\_

I am a recipient by letter from the City of Ovilla of notified individuals living near the property for

discussion and consideration.

FURTHER AFFIANT SAYETH NOT.

Carol Richtsmeter

(Signature)

PRINTED NAME: CAROL RICHTSMETER

PRESENTED AND FILED with me on this 19 day of November, 2018.

Gmiller  
Deputy City Secretary



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 1

### DISCUSSION & ACTION

Meeting Date: January 22, 2019

#### Attachments:

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

#### Agenda Item / Topic:

**ITEM 1.** **BOA201819.03- Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 CONSTRUCTION MATERIAL filed by Charles Wickersham for a residential variance to construct a metal accessory building on less than the 2 acres of land which is allowed per Ordinance, on his property at 307 Cockrell Hill Rd.

#### Discussion / Justification:

**APPLICANT:** Charles Wickersham  
**LOCATION:** 307 Cockrell Hill Road  
**ZONING:** RE Residential

**Applicant's Proposal:** *Applicant requests to construct a metal accessory building on 1.641 acres.*

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

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

**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 Waxahachie Daily Light; 18 certified letters mailed. There have been no response.

#### Sample Motion(s):

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO CHARLES WICKERSHAM AT 307 COCKRELL HILL ROAD TO CONSTRUCT A METAL ACCESSORY BUILDING ON LESS THAN THE 2 ACRE MINIMUM LOT SIZE THAT IS ALLOWED, AS PRESENTED IN IN BOA201819.03."**



## Residential Building Permit Application

Building Permit Number: _____		Valuation: <u>17 000</u>	
Zoning: <u>RE</u>		Valuation w/land: _____	
Project Address: <u>307 Cockrell Hill Rd, Ovilla, Tx</u>			
Lot: <u>7R</u>	Block <u>3</u>	Subdivision: <u>Wood Lawn Acres</u>	
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: _____
	PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>
	SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input checked="" type="checkbox"/>	FENCE <input type="checkbox"/>
Proposed Use: _____			
Description of Work: _____			
Area Square Feet: _____		Covered	
Living: _____	Garage: _____	Porch: _____	Total: _____ Number of stories: _____

Homeowner's name: <u>Charles Wickersham</u>	
Address: <u>307 Cockrell Hill Rd Ovilla Tx 75154</u>	
Contact Number: <u>214-498-8059</u>	Email: <u>cwickgo9@yahoo.com</u>

General Contractor	Contact Person	Phone Number	Contractor License Number
<b>APPROVED/DENIED</b>			Contractor License Number
<b>SPECIAL EXCEPTION/VARIANCE</b>			Contractor License Number
BOA CASE #: <u>201819.03</u>			Contractor License Number
DATE: <u>JANUARY 22, 2019</u>			Contractor License Number
<u>(RESCHEDULED)</u>			Contractor License Number
Mechanical Contractor			
Electrical Contractor			
Plumber/Irrigator			

( ) 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: \_\_\_\_\_ Date: 15 Nov 2018

## OFFICE USE ONLY:

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

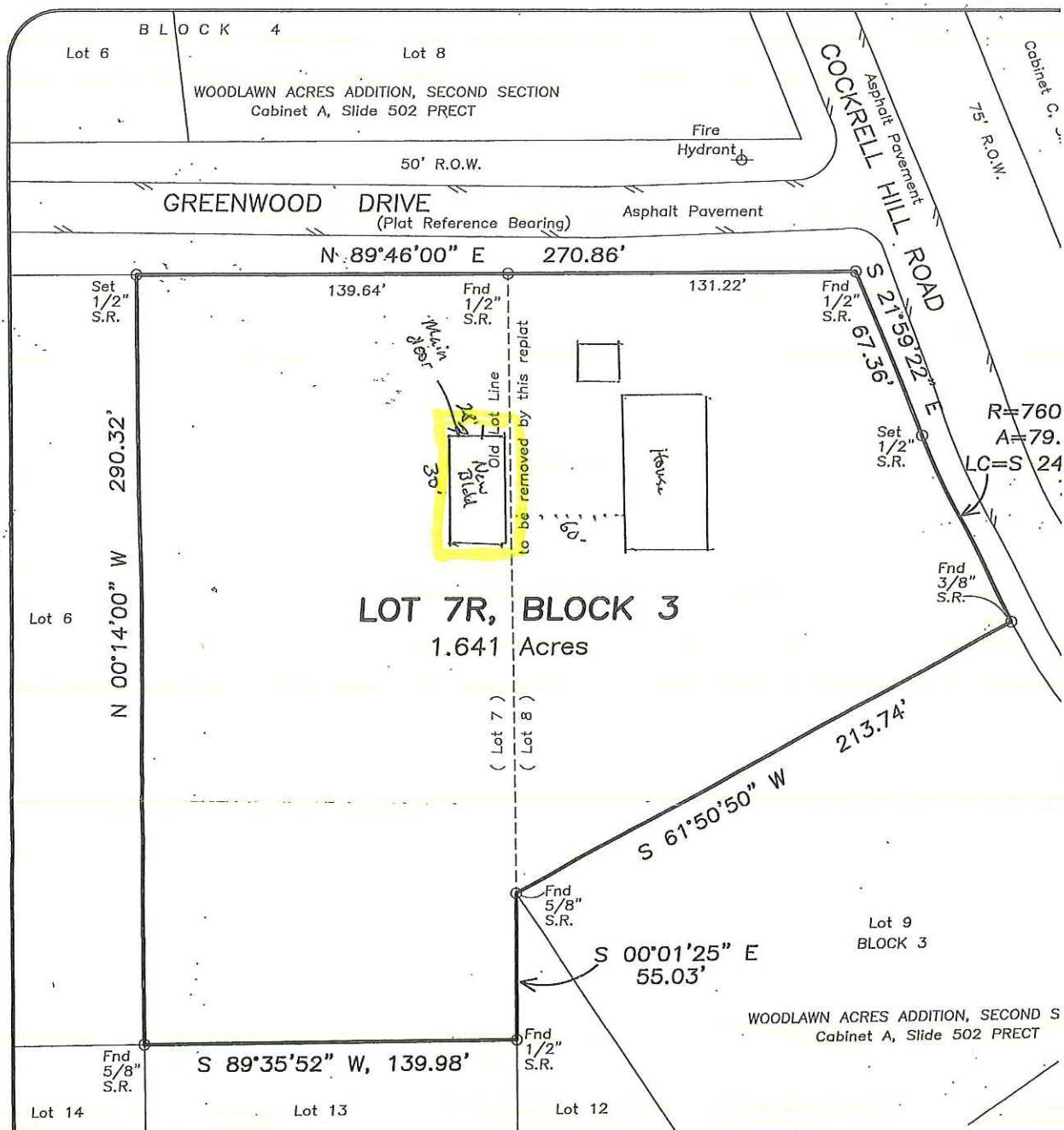
Plan Review Fee: \_\_\_\_\_  
 Building Permit Fee: \_\_\_\_\_  
 Park Impact Fee: \_\_\_\_\_  
 Capital Recovery Fee: \_\_\_\_\_  
 Fire Meter: \_\_\_\_\_  
 Water Meter Cost: \_\_\_\_\_  
 Water Impact: \_\_\_\_\_  
 Sewer Connection Fee: \_\_\_\_\_  
 Sewer Impact: \_\_\_\_\_

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

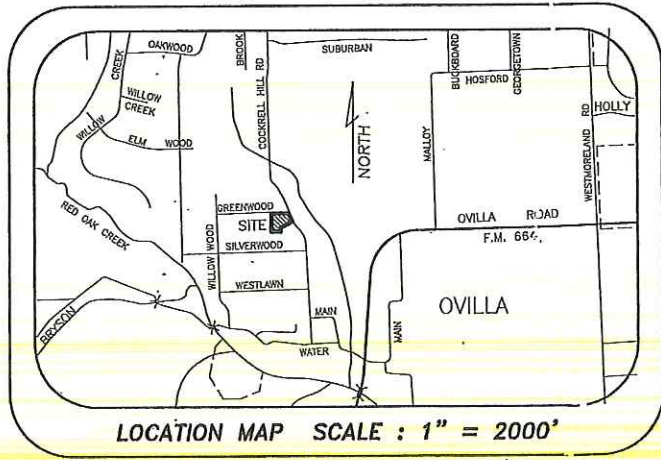
Total Fees: \_\_\_\_\_  
 Issued Date: \_\_\_\_\_  
**Expires: 180 Days**  
 Issued By: \_\_\_\_\_

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





RESTRICTIONS NOTE:  
50' FRONT BUILDING LINE  
AND 10' SIDE BUILDING LINE  
PER RESTRICTIONS RECORDED  
IN VOL. 550, PG. 203 DRECT.



THE STATE OF TEXAS: KNOW ALL MEN BY THESE PRES  
That I, Walter Keven Davis, do hereby declare that I prep  
on-the-ground survey of the land and that the corner r  
under my personal supervision, in accordance with the st

*Walter Keven Davis*  
Walter Keven Davis, RPLS #4466  
Davis and McDill, Inc.

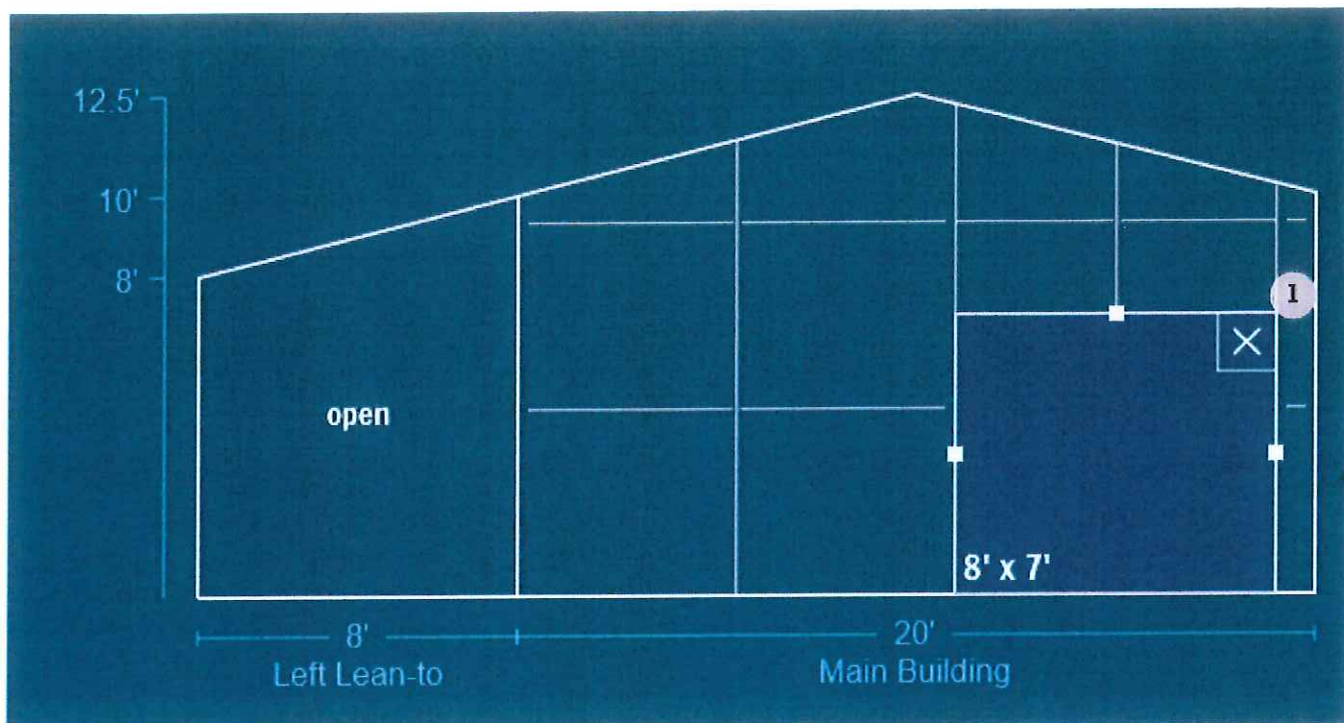
APPROVED BY THE PLANNING AND ZONING COMMISSION OF  
of \_\_\_\_\_, 2009.

\_\_\_\_\_  
City Secratary

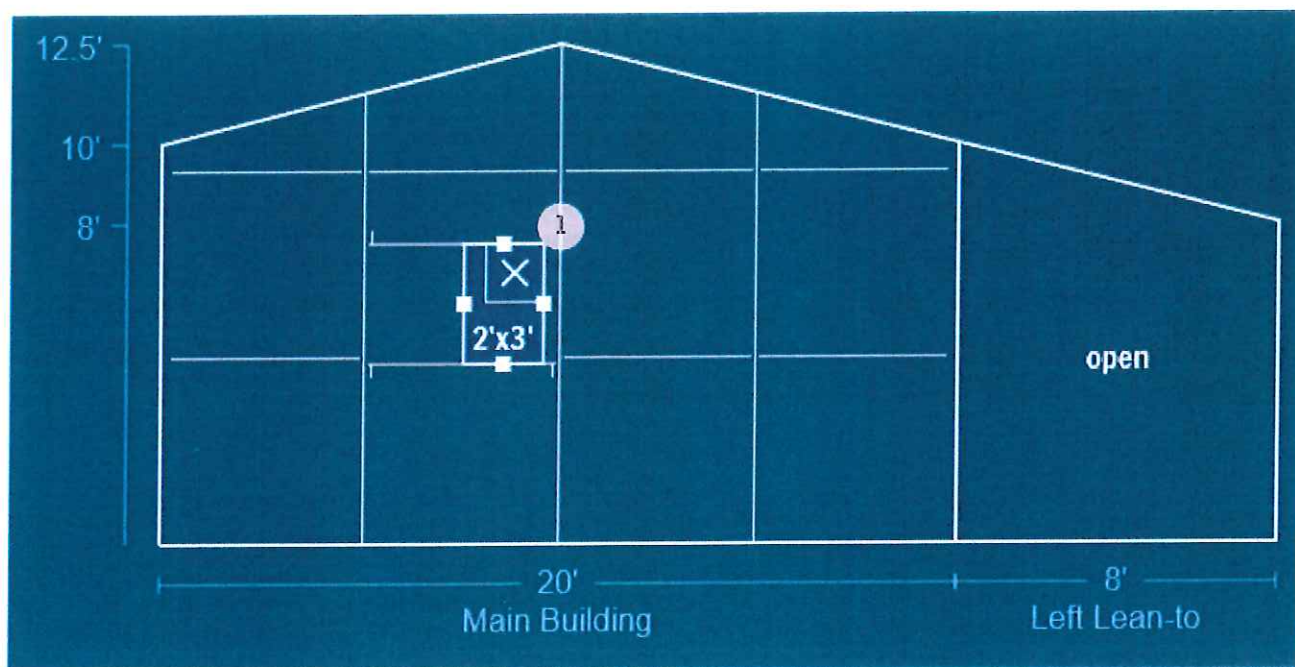
\_\_\_\_\_  
Chairperson, Planning-and-Zoning Commission

APPROVED BY THE CITY COUNCIL OF OVILLA, TEXAS, on t

FRONT - NORTH (Towards Greenwood)

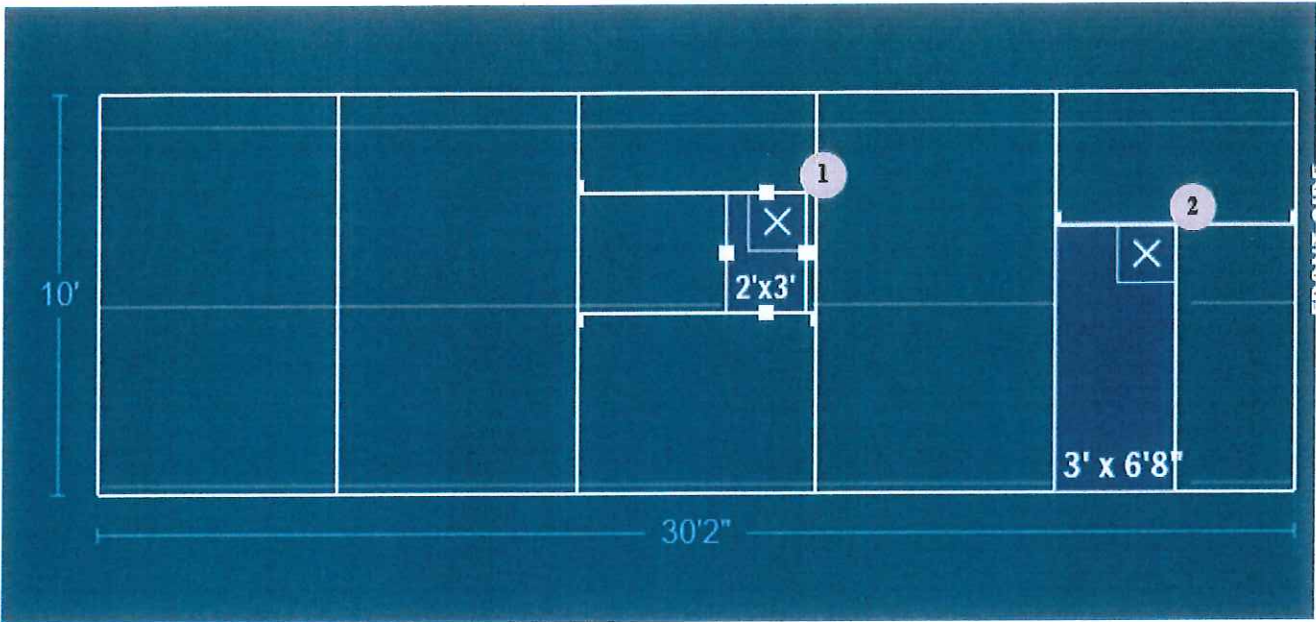


REAR - SOUTH

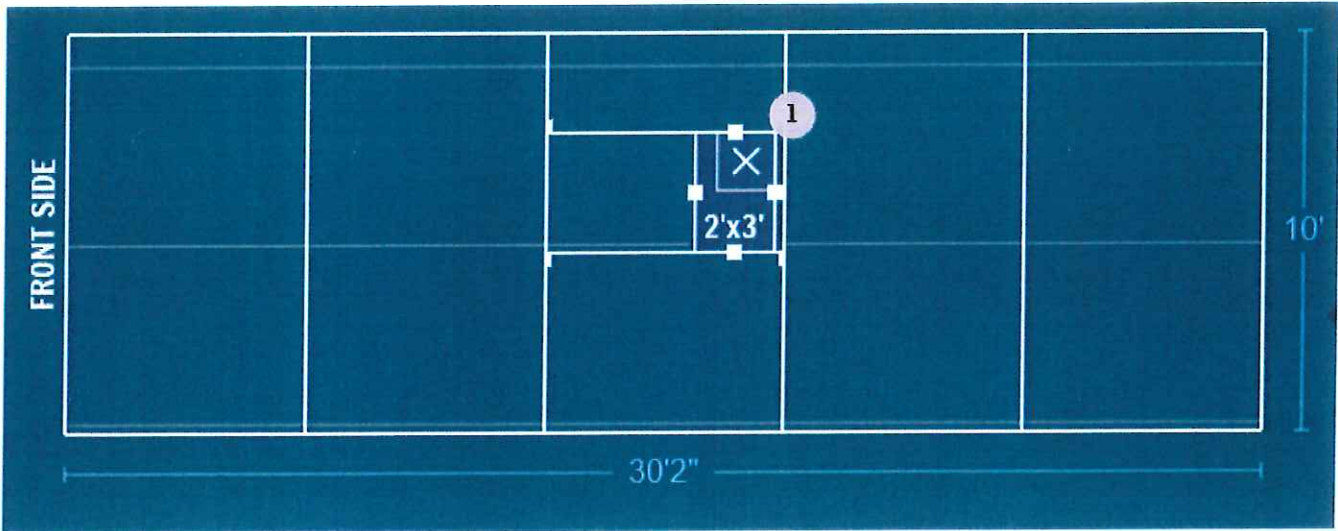




LEFT – EAST (Facing rear of home/fence)



RIGHT – WEST (Facing rear of property)




Colors (Stone walls / tan trim)





# WICKERSHAM Proposal

20' X 30' plus 8' carport



WIDTH

20'

▼

LENGTH

30'

▼

HEIGHT (Sidewall)

10'

▼

ADD LEAN-TO(s)?

☒ Left Side

☐ Right Side



WIDTH

8' (+\$1332)

▼


SELECT STYLE



Continuous Slope


House ←

MAIN BUILDING



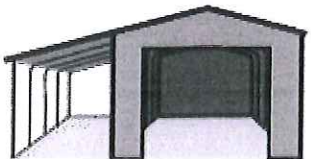
Fully Enclosed

Select Side Sheet Metal S



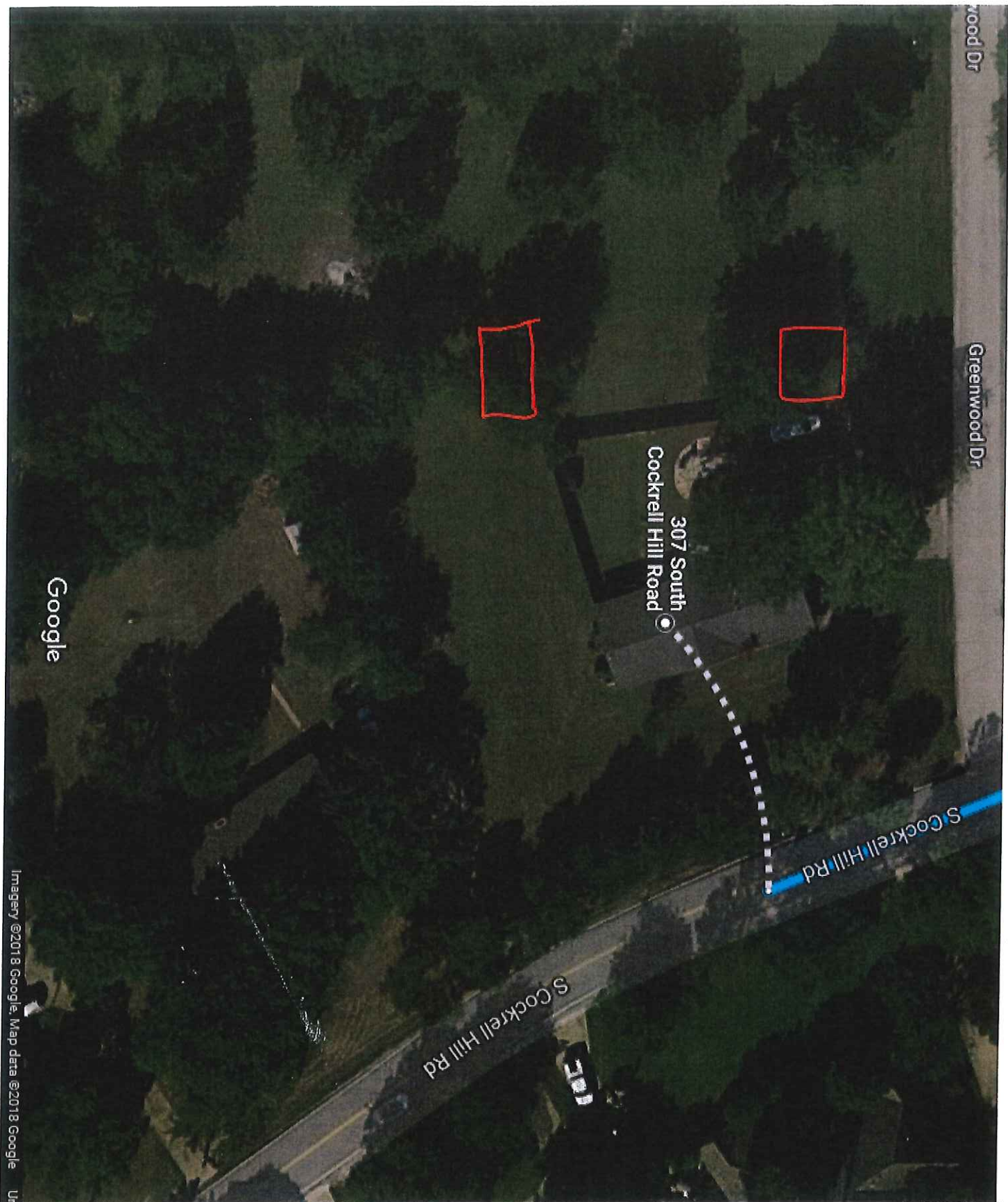
Summit  
with side hat channel

LEFT LEAN-TO



Roof Only

2 Buildings to be Removed in Red



16x10

10x20

360 sq





COPY

## Accessory Building Permit Checklist

DATE 11-15-18

OWNER Charles Wickersham

ADDRESS 307

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Storage
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☐ Brick ☒ Stone ☐ Hardiplank ☒ Wood ☐ Other
5. Roof Material Metal
6. Door Facing 90' from front of property ☒ Yes ☐ No
7. Height no taller than main dwelling or 25' ☒ Yes ☐ No 12'
8. Location of Building
  - a. 100 ft from front property line ☒ Yes ☐ No
  - b. 5 feet from side property lines ☒ Yes ☐ No
  - c. Behind Rear plane of house ☒ Yes ☐ No
9. Septic tank/aerobic sprinkler spray location ☒ Yes ☐ No
10. Electricity Yes ☒ No
11. Plumbing Yes ☒ No
12. Number of buildings on property 1+1
13. Size of property 1.641 ac
14. Total square footage 1160 Total square footage allowed 1200 sq ft
15. Variance required ☒ Yes ☐ No

Approved

☒ Denied

Reason

Metal Building on 1.641 ac

DATE 11-15-18

NAME Mike Dwyer



## CHAPTER 14

### ZONING

#### **30.5 CONSTRUCTION MATERIAL**

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



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

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

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

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

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

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

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

Case No. BOA 201819.02 .03

### 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.

This was originally two plats. The plat with the house was approved at less than one acre. The properties were replatted together as one property - combining the two should have equated to roughly two acres. Officially, due to its size and being a corner lot, it is just under sized

**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.

Had the original plats been one acre each as required, no variance would be needed. Other properties that were joined met the ordinance requirement. The original plat received a variance for size, therefore we are requesting an extension of that variance to allow the use of metal

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

N/A

**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 building will be aesthetically more appealing and generally blending with the neighborhood and adjacent buildings and structures found. This will also remove two older structures closer & more exposed to the roadway & neighborhood.*

**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.

*N/A*

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

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

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

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

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



Case No. BOA 201819-02 .03

## 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. 7R

Property Address 307 Cockrell H. II

Block No. 3

Ovilla, Texas

Zoning RE

The Applicant, Charles Wickersham, 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.

Build metal building on under 2 acres.  
Quality metal building to replace 2 older metal buildings,  
locate directly behind house.

Has a previously appeal been filed on this property?

YES ☒ NO

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



- Case No. BOA 201819.02 .03

I have completed the following requirements:

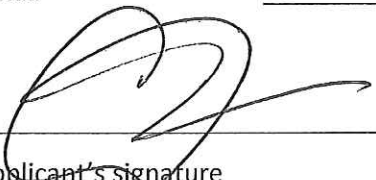
1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot/site plan
3. Completed all sections of the application

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 Charles Wickersham  
Mailing Address 307 Cockrell Hill Rd.  
Ovilla, Tx 75154  
Telephone (Hm) 214 498 8059  
Telephone (Wk) 214 312 3777  
Email cwickgo9@yahoo.com

  
Applicant's signature

15 Nov 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:** CHARLES WICKERSHAM

**Case Number:** 201819.03

**Address:** 307 COCKRELL HILL RD.

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.5 CONSTRUCTION MATERIALS of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

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

	FOR	AGAINST	ABSTAIN
<b>Member Carol Richtsmeier</b>			
<b>Member Richard Ware</b>			
<b>Member Barbara Betik</b>			
<b>Member Ozzie Molina</b>			
<b>Member Stephanie Heimbuch</b>			
<b>Alt. Member Mike Clark</b>			
<b>Alt. Member Patricia Halyard-King</b>			

**TOTALS:**

\_\_\_ **FOR**  
\_\_\_ **AGAINST**  
\_\_\_ **ABSTAIN**

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

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

\_\_\_\_\_  
**Date**

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

\_\_\_\_\_  
**Date**



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 2

### DISCUSSION & ACTION

Meeting Date: January 22, 2019

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	