

AGENDA

Board of Adjustment Special Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
May 09, 2019

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a **Special Meeting** of the Board of Adjustment to be held on **Thursday, May 09, 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

Consent Items

- ♦ 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. **BOA201819.06 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Chris Barzyk for a residential special exception to construct a fence on or beyond the building line on his property at 180 Johnson Lane.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Chris Barzyk.

ITEM 2. **BOA201819.07 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Joseph Zerwekh for a residential variance for an accessory building that is not located behind the rear plane of the main dwelling on his property at 605 Valley View Ct.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Joseph Zerwekh.

ITEM 3. **BOA201819.08 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Joseph Zerwekh for a residential variance for an accessory building that is placed with the main door facing the front of property at 605 Valley View Ct.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Joseph Zerwekh.

ITEM 4. **BOA201819.09 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.4 HEIGHT filed by Joseph Zerwekh for a residential variance of an accessory building that is greater in height than the main dwelling on his property at 605 Valley View Ct.

DISCUSSION/ACTION – **Consideration** of requested **Variance** filed by Joseph Zerwekh.

ITEM 5. **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **May 09, 2019 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 6th day of May, 2019, prior to 6:00 p.m.



Glennell Miller
Deputy City Secretary

DATE OF POSTING: MAY 6, 2019 **TIME:** 10:00 **am/pm**
DATE TAKEN DOWN: _____ **TIME:** _____ **am/pm**



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION Meeting Date: May 09, 2019

Attachments:

1. Permit Application
2. Special Exception Application/packet
3. Findings of Fact

Agenda Item / Topic:

ITEM 1. **BOA201819.06 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Chris Barzyk for a residential special exception to construct a fence on or beyond the building line on his property at 180 Johnson Ln.

Discussion / Justification:

APPLICANT: Chris Barzyk
LOCATION: 180 Johnson Lane.
ZONING: RC Residential

Applicant's Proposal: Applicant requests to construct a fence that is on or beyond the property line.

Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 35.3, **FENCES IN RESIDENTIAL DISTRICTS**, states:

D. Support and Rails:

1. fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

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

NOTICES: One public notice listed in the Waxahachie Daily Light; 17 certified letters mailed. There have been no responses.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO CHRIS BARZYK TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON THEIR PROPERTY AT 180 JOHNSON LANE AS PRESENTED IN BOA201819.06."

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:	0074	Valuation:	8,000
Zoning:	Residential		
Project Address:	180 Johnson		
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 type="checkbox"/>	FENCE <input checked="" type="checkbox"/>
Proposed Use:	Security Fencing Around Front Of House		
Description of Work:	5 ft. Pipe Fence w/wooden Fence Panels (METAL)		
Area Square Feet:	Covered	Porch:	Total: _____
Living:	Garage: _____		Number of stories: _____

Homeowner's name:	Chris Barry		
Address:	180 Johnson Ln.		
Phone Number:	Home Number	Mobile Number:	469-719-4047

General Contractor	Contact Person	Phone Number	Contractor License Number
Homeowner			
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: Chris Barry Date: March 15, 2019

OFFICE USE ONLY:

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

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



Residential Building Permit Application

City of Ovilla

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

Building Permit #	2019-0074	Valuation:	\$8,000.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	180 JOHNSON LN	Subdivision:	
Lot:	Block:		
<u>Project Description:</u>			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building		
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence	Yes	
Other	Specify Other:		
Proposed Use:	5 FT PIPE FENCE WITH WELDED FENCE PANEL		
Description of Work:			
<u>Area Square Feet:</u>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

Homeowner Details

Name: CHRIS BARZYK
Address: 180 JOHNSON LN, OVILLE, TX 75154
Phone # (469) 719-4047 Email:

Applicant Details

Applicant Type: Owner
Name:
Address: ,
Phone # Email:

General Contractor Details**License #****Name:****Phone # Email:****Mechanical Contractor Details****License #****Name:****Phone # Email:****Electrical Contractor Details****License #****Name:****Phone # Email:****Plumber/Irrigator Details:****License #****Name:****Phone # Email:**

Applicant's Signature***Office Use Only:***

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

Plan Review Fee: \$0.00**Total Fees:** \$25.00**Building Permit Fee:** \$25.00**Issued Date:****Park Impact Fee:** \$0.00**Expiry Date:****Capital Recovery Fee:** \$0.00**Issued By:****Fire Meter:** \$0.00**BV Project #****Water Meter Cost:** \$0.00**Water Impact:** \$0.00**Sewer Connection Fee:** \$0.00**Sewer Impact:** \$0.00



Building Permit

City of Ovilla

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

Permit No. 2019-0074

Location: 180 JOHNSON LN

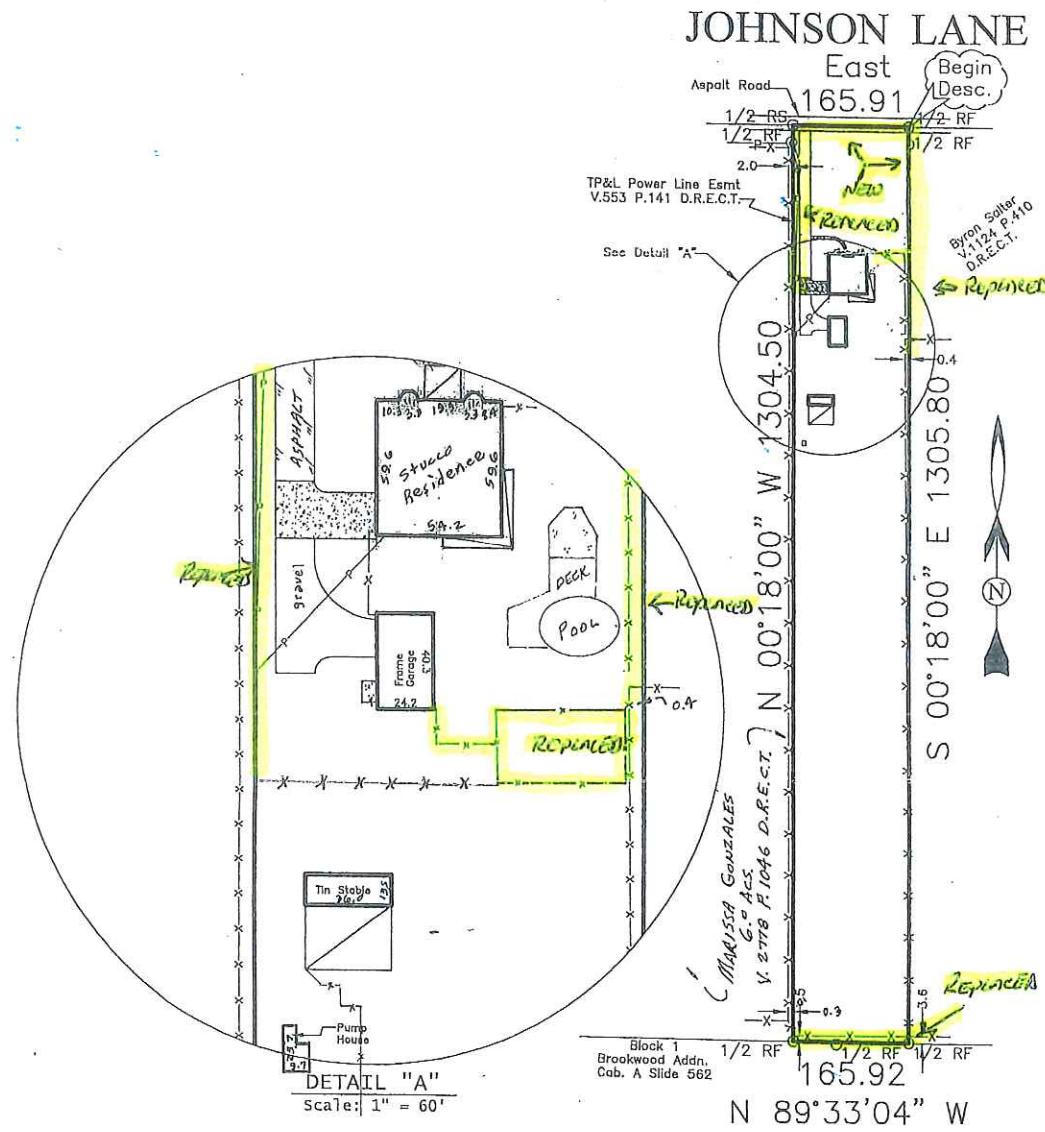
Description:

Owner: CHRIS BARZYK

Date Issued:

Building Inspector: _____

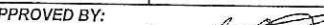
This Permit To Be Posted In Conspicuous Place On Site



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

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

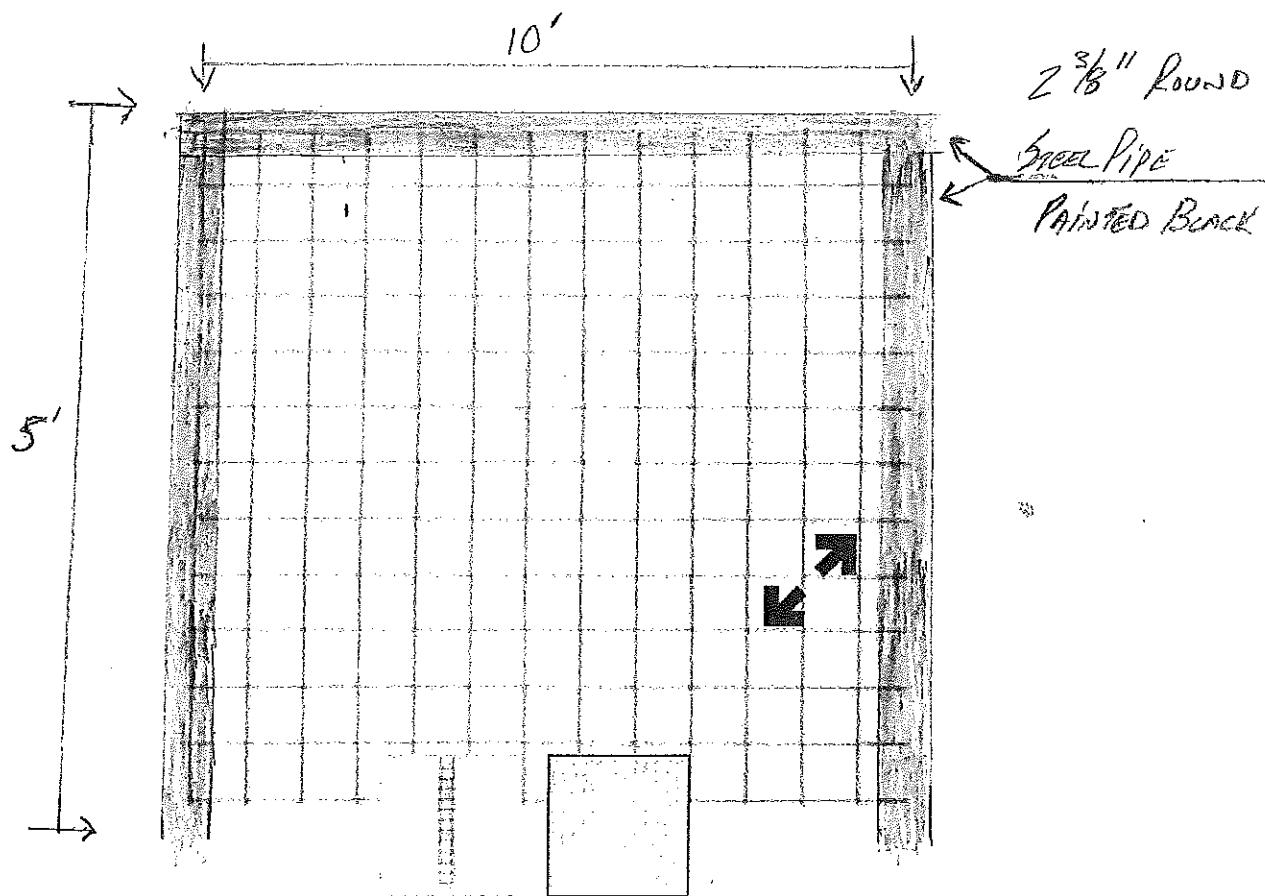
*This survey was performed in connection with the transaction
described in G. F. NO: TX17-10133p of TiagoTitle.*

SCALE: 1"=200'	MICHAEL L. COX, INC. PROFESSIONAL LAND SURVEYORS 222 TEXAS STREET CEDAR HILL, TEXAS 75104 PH: (972) 291-7848 FX: (972) 291-7840	APPROVED BY:
DATE : 04-11-2017		 MICHAEL L. COX R.P. L. S. #4003
JOB NO : 19447		
DRAWN BY : MC		



Feedlot Panel, Sheep/Goat, 16 ft. L x 48 in. H

SKU # 361035999



\$64.99

★★★★★ 5.0 (10) [Write a review](#)

Share

ARIV ONLINE PICK UP IN STORE



Accessory Building Permit Checklist

DATE 3-19-19

OWNER Barzyk

ADDRESS 180 Johnson

1. Permit Signed by property owner	<input checked="" type="checkbox"/> Yes	No
2. Plot plan with survey stamp	<input checked="" type="checkbox"/> Yes	No
3. Pickets facing out noted	<input checked="" type="checkbox"/> Yes	No
4. Height 6 ft max	<input checked="" type="checkbox"/> Yes	No
5. Utility easements noted	<input checked="" type="checkbox"/> Yes	No
6. Right of Way	<input checked="" type="checkbox"/> Yes	No
7. Building Line noted	<input checked="" type="checkbox"/> Yes	No
8. Cross section image	<input checked="" type="checkbox"/> Yes	No
9. Break away panel access	<input checked="" type="checkbox"/> Yes	No
10. Fence Material	Wood <input checked="" type="checkbox"/> Metal	Other _____

Board of Adjustment Variance Required Yes No

Approved Denied Reason Front building line.

DATE 3-19-19

NAME Mike Dorf

35.3 FENCES IN RESIDENTIAL DISTRICTS

- A. Maximum Height. Screening elements and fences shall be restricted to a maximum height of eight feet (8'), measured from the adjacent grade line, except as otherwise permitted in this section. Fences may be permitted to be constructed to a height exceeding eight feet (8') by special exception as approved by the Zoning Board of Adjustment.
- B. Trash Storage Areas. Garbage, refuse and trash collection and storage areas in any multifamily development, mobile home development or other nonresidential use permitted in a residential district shall be fully enclosed on three sides by a dense screening element to adequately screen such area from view of the surrounding area.
- C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.
- D. Support and Rails.
 - 1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.
 - 2. Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence.

(Ordinance 2010.015 adopted 8/9/10)

I have completed the following requirements:

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

I authorize _____ of _____
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant/Owner Name Chris & Mendi Barzuk

Mailing Address 1800 Johnson Ln

Telephone (Hm) Chris 469-719-4047

Telephone (Wk) Mendi 972-822-4461

Email chrismendi831@gmail.com

Mendi Barzuk

Applicant's signature Chris Barzuk

April 4, 2019

Date April 4, 2019

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

OFFICE USE ONLY

DATE RECEIVED: _____ HEARING DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____

DATE: 1
Case No. BOA 201819.06

REQUEST FOR A SPECIAL EXECPTION

To the
OVILLA BOARD OF ADJUSTMENT

CITY OF OVILLA § **COUNTY OF ELLIS**
STATE OF TEXAS §

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. Block 1 Brookwood Addn . Cab. A Side S62 Property Address 180 Tottlson Ln.
Ovilla TX 75154
Block No. _____
Property Zoned RC

OWNER OF PROPERTY Chris and Mendi Banzyk

APPLICANT same

SPECIAL EXCEPTION To build a fence to the property line
in front of the house.



Case No. BOA 201B19.06

The Applicant/Owner, Chris & Mendi Banzyk of _____ County, requests that the Ovilla Board of Adjustment grant the following SPECIAL EXCEPTION to Article _____, Chapter 14, Section 35.3 of the Ovilla Zoning Ordinance. Please state in detail what type of SPECIAL EXCEPTION you are seeking, attach additional sheets if necessary.

Pipe fencing around property in front of house.

what

To build a fence to the property line in front of the house to enclose front yard.

Has a previous appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? 1/1/2016



CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

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

CONDITION 1: Requires that the use is specifically permitted under the ordinance and the requirements for such use are met; and

Yes

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

Yes

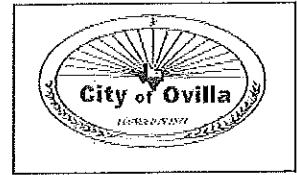
CONDITION 3: Requires that the **SPECIAL EXCEPTION** will be wholly compatible with the used and permitted development of adjacent properties.

YES

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



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



TO THE OVILLA BOARD OF ADJUSTMENT

ORDINANCE 2010.023

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

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

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

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

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

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

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

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



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

Applicant: CHRIS BARZYK
Address: 180 JOHNSON LANE

Case Number: 201819.06

Upon giving public notice and conducting a public hearing on this **SPECIAL EXCEPTION** request in accordance with Chapter 14, Section 35.3 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

CAROL RICHTSMEIER			
RICHARD WARE			
OZZIE MOLINA			
STEPHANIE HEIMBUCH			
BARBARA BETIK			
PATRICIA HALYARD-KING			
MARK CLARK			

TOTALS:

— FOR
— AGAINST
— ABSTAIN

The special exception is hereby:

— granted — denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION

Meeting Date: May 09, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 2. **BOA201819.07 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Joseph Zerwekh for a residential variance for an accessory building that is not located behind the rear plane of the main dwelling on his property at 605 Valley View Ct.

Discussion / Justification:

APPLICANT: Joseph Zerwekh

LOCATION: 605 Valley View Ct.

ZONING: RE Residential

Applicant's Proposal: Applicant requests to construct an accessory building that is not behind the rear plane of the main dwelling.

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

A. Front Setback:

1. 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 Waxahachie Daily Light; 12 certified letters mailed. There have been no responses.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JOSEPH ZERWEKH TO CONSTRUCT AN ACCESSORY BUILDING THAT IS NOT LOCATED BEHIND THE REAR PLANE OF THE MAIN DWELLING LOCATED ON HIS PROPERTY AT 605 VALLEY VIEW CT. AS PRESENTED IN BOA201819.07."

City of Ovilla

Phone: (972) 617-7262

105 S. Cockrell Hill Rd.

Fax: (972) 515-3221

Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	2019 - 0091		Valuation:		
Zoning:	Valuation w/land:				
Project Address:	605 Valley View Court				
Lot: 55	Block B	Subdivision: Ovilla Oaks, Phase 1			
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: <input type="checkbox"/>		
	PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>		
	SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input checked="" type="checkbox"/>	FENCE <input type="checkbox"/>		
Proposed Use:	FREE-STANDING 2-CAR GARAGE to house pick-up truck & AUTO				
Description of Work:	CONSTRUCT BRICK 2-CAR GARAGE AT END OF DRIVEWAY w/ STORAGE				
Area Square Feet:	AREA ABOVE	Covered	Total:	Number of stories: 1	
Living:	Garage: 964	Porch:			

Homeowner's name:	JOSEPH E. ZERWERKH				
Address:	605 Valley View Court				
Phone Number:	972-978-2545	Home Number	Mobile Number: 972-978-2545		

General Contractor	Contact Person	Phone Number	Contractor License Number
	Timothy Tellez	972-291-6999	
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: Joseph E. Zerwerkh Date: 03/15/2019

OFFICE USE ONLY:

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

Plan Review Fee: _____

Receipt # _____

Total Fees: _____

Building Permit Fee: _____

Issued Date: _____

Park Impact Fee: _____

Expires: 180 Days

Capital Recovery Fee: _____

Issued By: _____

Fire Meter: _____

Water Meter Cost: _____

Water Impact: _____

Sewer Connection Fee: _____

BV Project # _____

Sewer Impact: _____



Residential Building Permit Application

City of Ovilla

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

Building Permit #	2019-0091	Valuation:	\$0.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	605 VALLEY VIEW CT	Subdivision:	
Lot:	Block:		
Project Description:			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building	Yes	
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence		
Other	Specify Other:		
Proposed Use:	ACCESSORY BUILDING		
Description of Work:	FREE STANDING 2 CAR GARAGE TO HOUSE PICKUP AND AUTO. CONSTRUCT BRICK 2 CAR GARAGE AT END OF DRIVEWAY, STORAGE AREA ABOVE.		
Area Square Feet:			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

Homeowner Details

Name: JOSEPH EDWARD ZERWEKH
Address: 605 VALLEY VIEW CT, OVILLA, TX 75154
Phone # Email: 

Applicant Details

Applicant Type: Owner
Name:
Address: ,
Phone # Email:

General Contractor Details**License #****Name:** TIMOTHY TELLEZ**Phone #** (972) 291-6999 **Email:****Mechanical Contractor Details****License #****Name:****Phone #** **Email:****Electrical Contractor Details****License #****Name:****Phone #** **Email:****Plumber/Irrigator Details:****License #****Name:****Phone #** **Email:**

Applicant's Signature***Office Use Only:***

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

Plan Review Fee: \$0.00
Building Permit Fee: \$0.00
Park Impact Fee: \$0.00
Capital Recovery Fee: \$0.00
Fire Meter: \$0.00
Water Meter Cost: \$0.00
Water Impact: \$0.00
Sewer Connection Fee: \$0.00
Sewer Impact: \$0.00

Total Fees: \$0.00
Issued Date:
Expiry Date:
Issued By:
BV Project #



Building Permit

City of Ovilla

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

Permit No. 2019-0091

Location: 605 VALLEY VIEW CT

Description: FREE STANDING 2 CAR GARAGE TO HOUSE PICKUP AND AUTO. CONSTRUCT BRICK 2 CAR GARAGE AT END OF DRIVEWAY, STORAGE AREA ABOVE.

Owner: JOSEPH EDWARD ZERWEKH

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site

FIG. 2 PLOT SHOWING PROPOSED STRUCTURE IN RELATION TO
LATERAL LINES & EXISTING STRUCTURES.

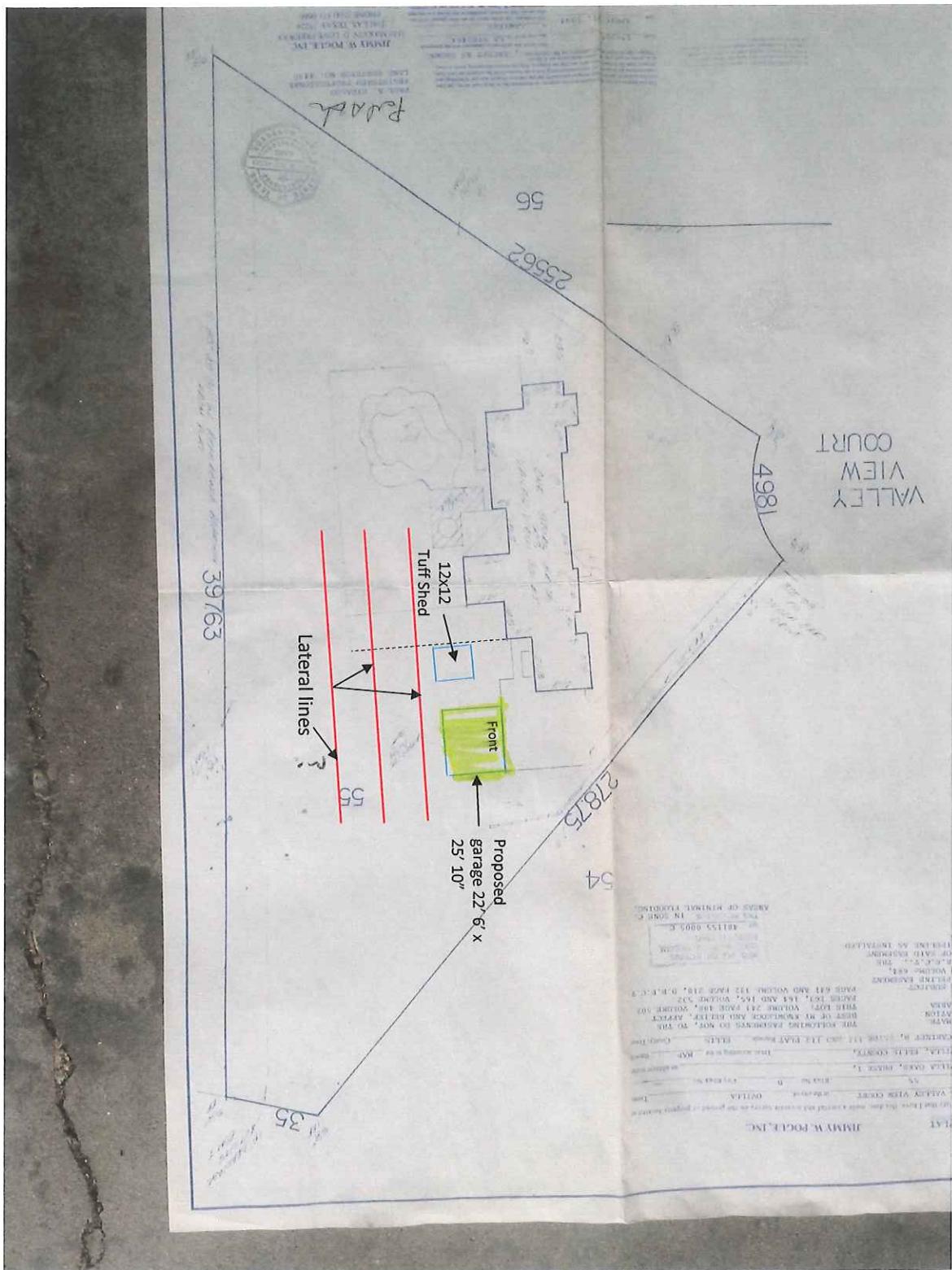


Fig 1A. SURVEY PLATE 605 Valley View St.

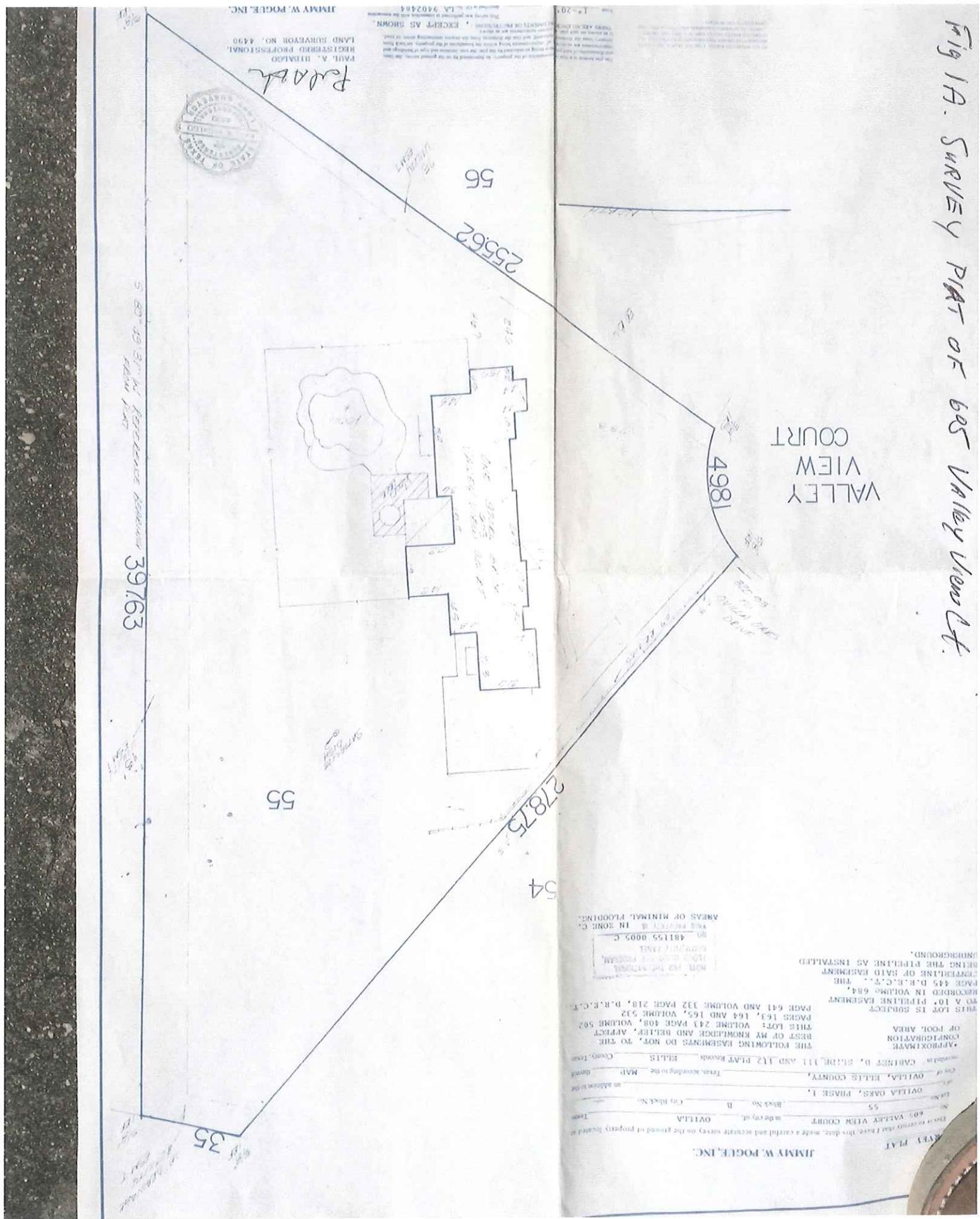
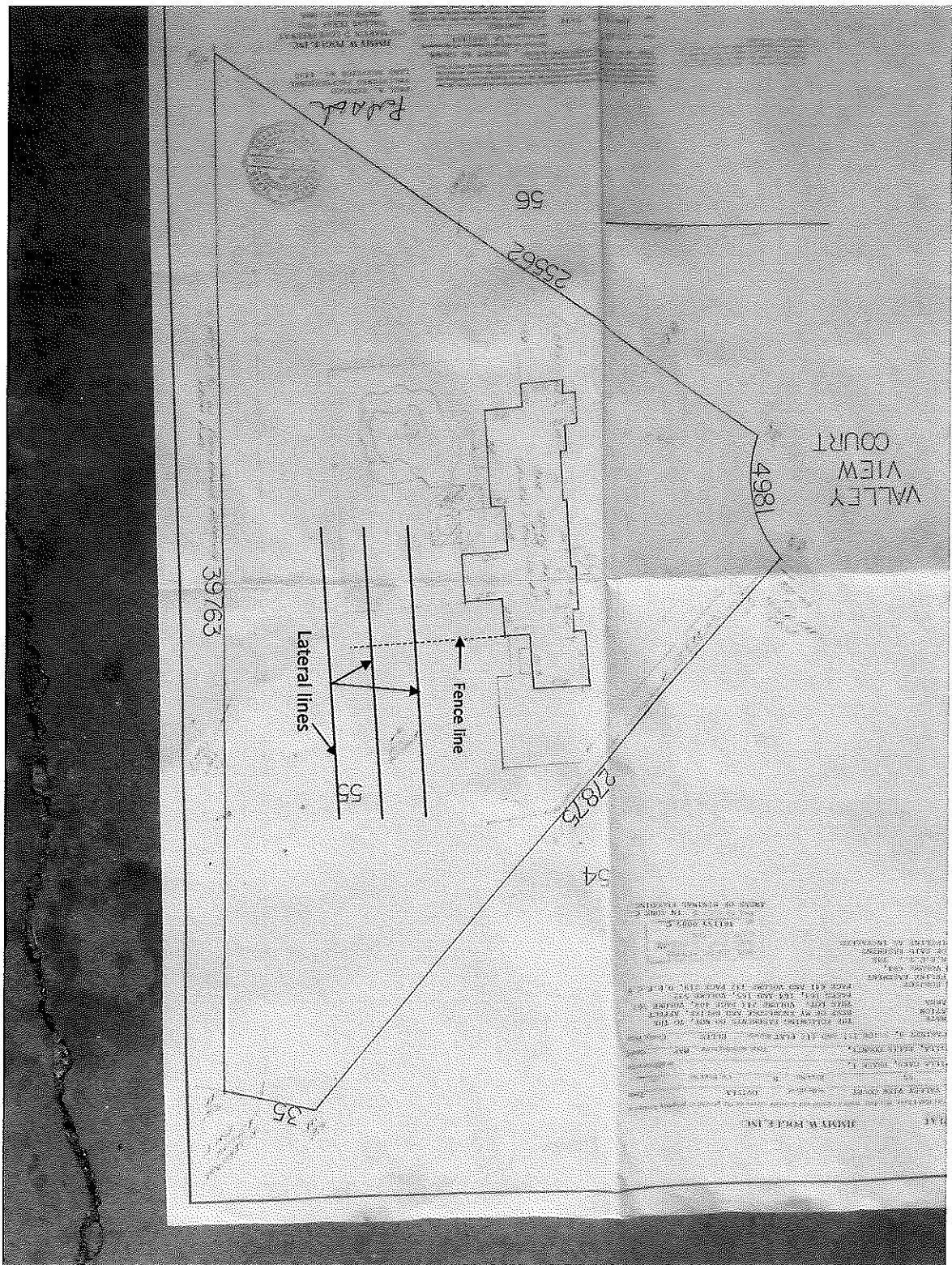
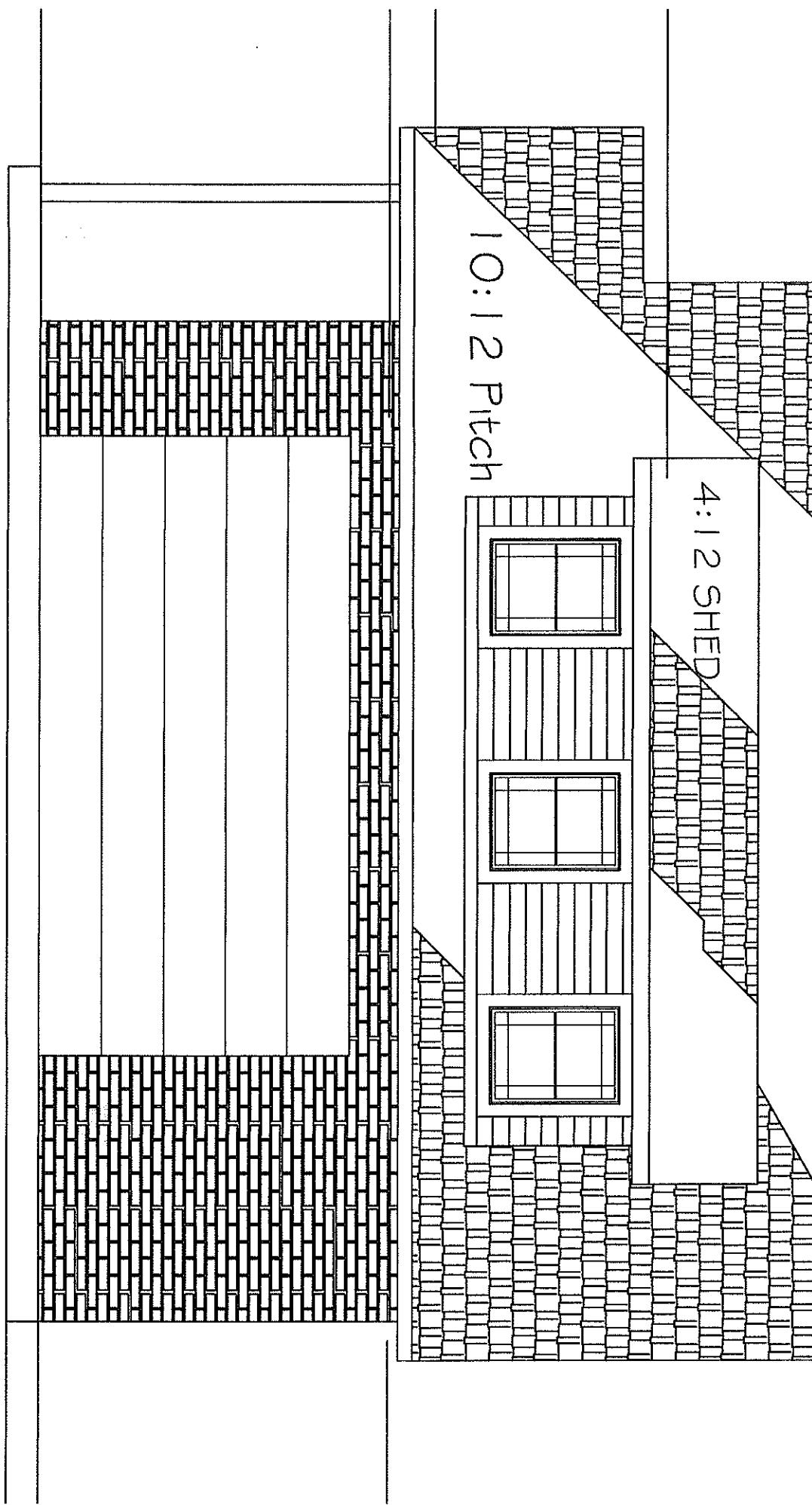


FIGURE 1b. Survey plan with approximate location of lateral lines



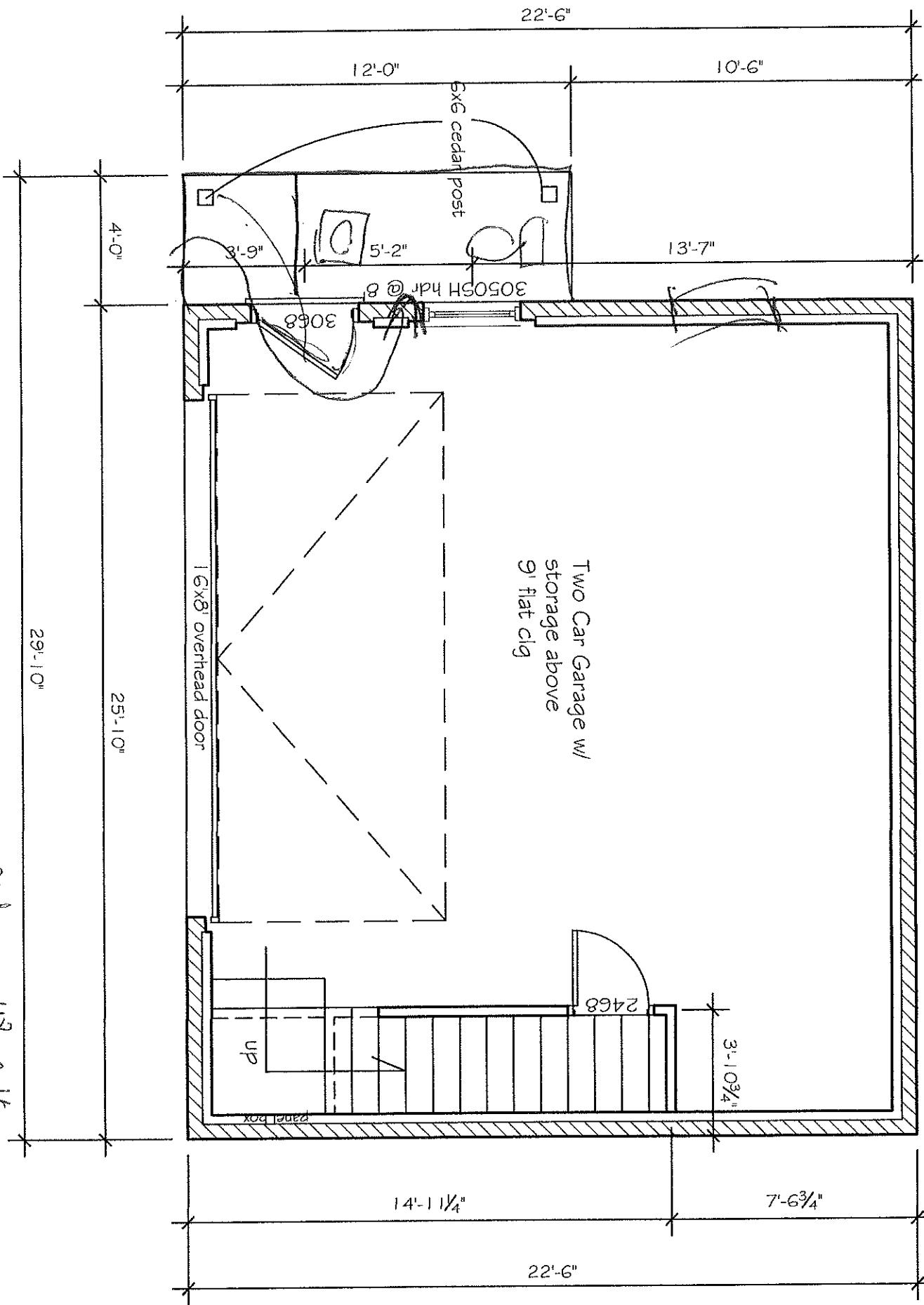


12:12 pitch

FLOOR PLAN

perch
down
up
57 1/2 ft
335 3/4 ft

SCALE 1/4" = 10'



MAXIMIZED ATTIC STORAGE

SCALE 1/4" = 10'

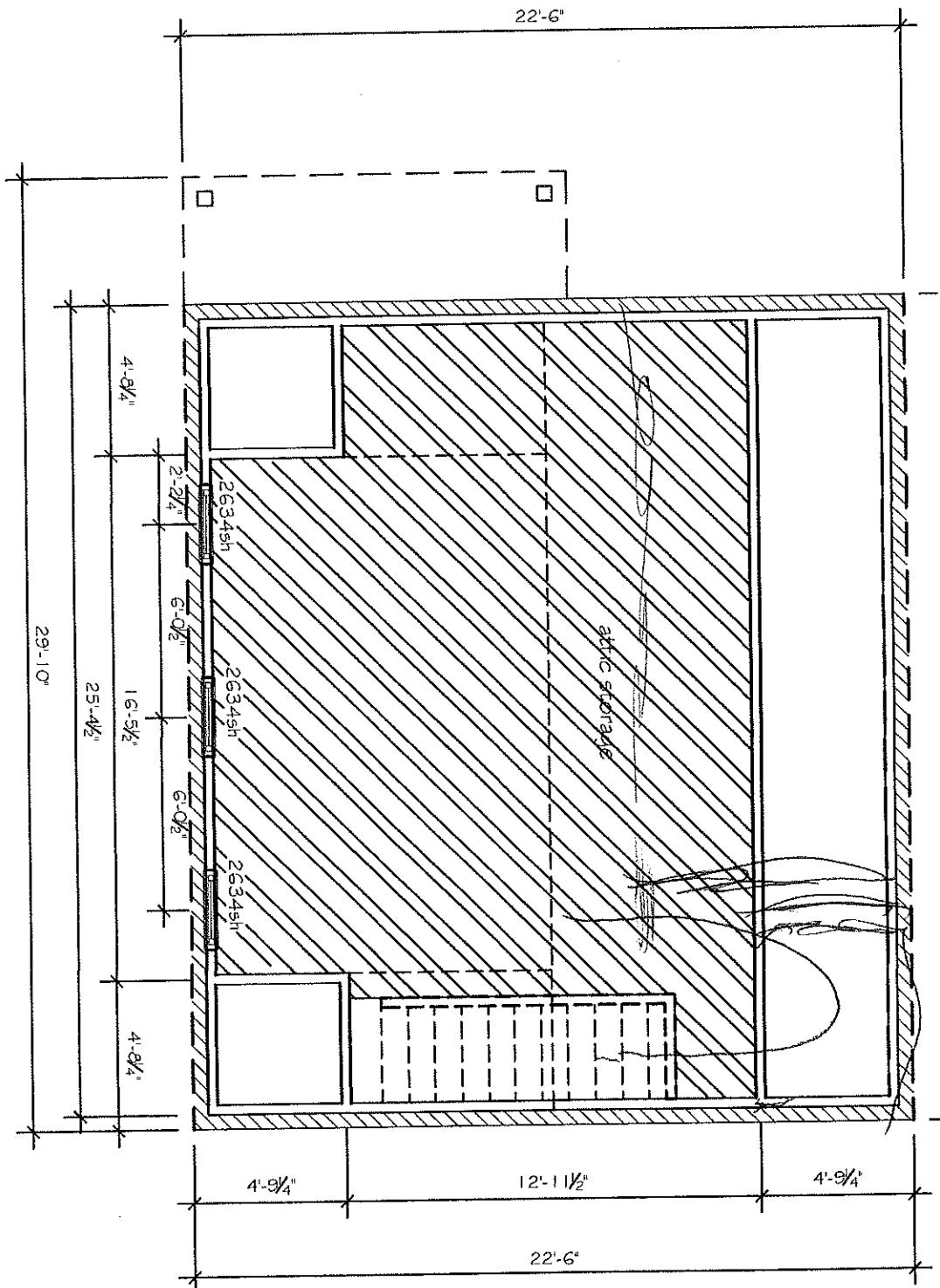




Fig. 3. Approach from North

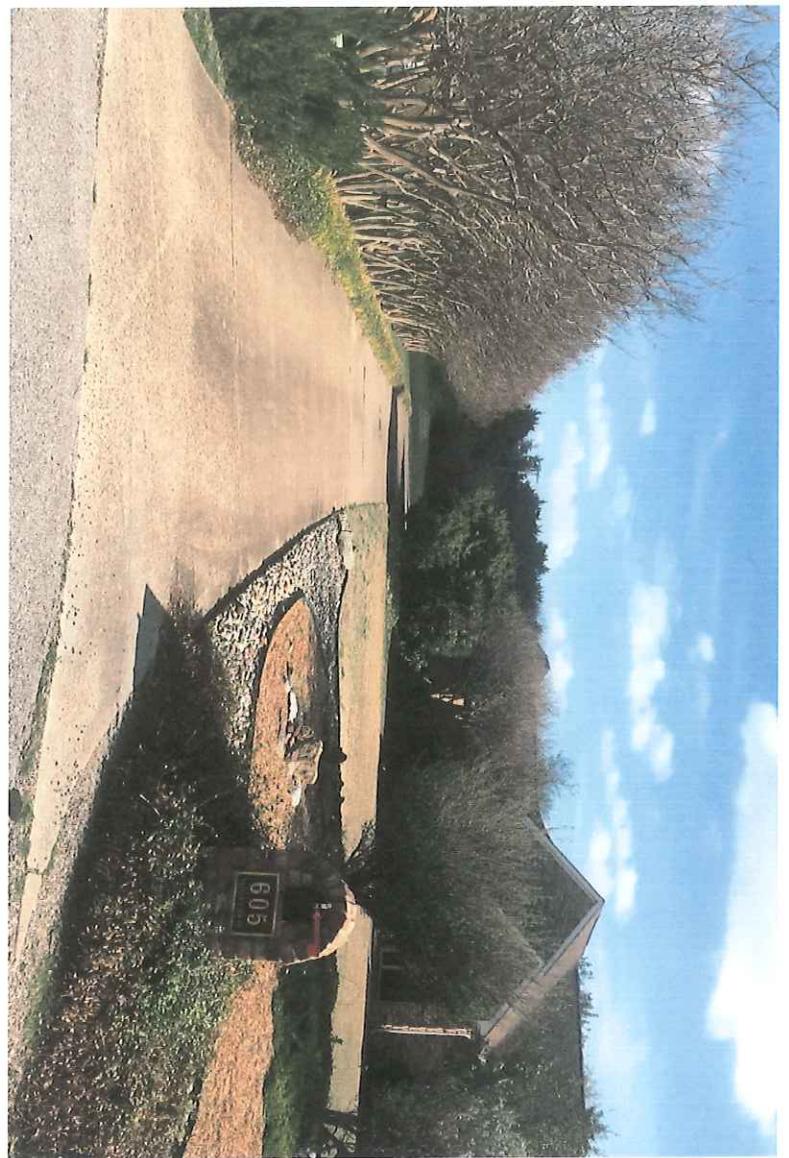


FIG. 5 View from cul-de-sac to entrance



FIG. 4 - APPROXIMATE FROM NORTH



FIGURE 6. CONCEPTUAL DRAWING OF PROPOSED BARRAGE IN RELATION TO EXISTING STRUCTURE & VIEW FROM STREET.



Fig. 7 Conceptual drawing of proposed garage showing view with Existing garage.



COPY

Accessory Building Permit Checklist

DATE 4-1-19

OWNER Zer We Kit J

ADDRESS 605 Valley View ct

1. Permit Signed by property owner Yes No
2. Use of building Garage Yes No
3. Plot plan with survey stamp Yes No
4. Building Material Brick Brick Stone Hardiplank Wood Other
5. Roof Material Comp 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
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 1.17 ac
14. Total square footage 729 Total square footage allowed 1274
15. Variance required Yes No

Approved Denied Reason

DATE 4-3-19

NAME Mike Dory

Chapter 14

30.3 A Front setback

30.3 C Angle of Main Door

30.4 Height

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 it [if] the barn is a minimum of two hundred (200') feet off the front lot line.



Case No. BOA 201819.07

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. 55

Property Address 605 Valley View Ct.
OVILLA, TX 75154

Block No. B

Zoning _____

The Applicant, JOSEPH / JANE ZEMERKA, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter 30.3A, Section 30.3A of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

We are requesting a variance for Ovilla zoning ordinance 30.3A. This is to allow us to construct a two-car free-standing brick garage with an overhead storage space. The property for said construction is located at the apex of a cul-de-sac & as such has a wedge shape. Because of this layout, the septic system lateral lines run across mid-tot. This layout precludes building the structure according to Section 30.3A (directly behind the rear plane of the building / dwelling). In order to prevent the foundation (SEE ATTACHED CONTINUATION)

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____

of the new garage from being constructed too close (eight feet or less by the contractor's standards) to the existing lateral lines, we have requested the garage be allowed to be constructed with the garage door adjacent to the existing driveway pad. This will place the front of the garage approximately 11.5 feet in front of the rear plane of the main dwelling and prevent building too close to the septic system lateral lines.

30.3 A setback



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 variance from the City of Ovilla zoning ordinance Article 4, Section 30.3A is being requested due to the shape of the lot. The lot is located at the apex of a cul-de-sac resulting in a (see attached continuation)

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.

Construction of the proposed garage according to code
Accessory building must be constructed completely behind the
rear plane of the main building) would be impossible.
(see attached continuation)

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

These special conditions & circumstances are not the result of
any action on my part. The lot shape & location of the septic
system lateral lines were established by the builder, prior to our
purchase of the home.

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.

Construction of the free-standing garage as proposed in this
request represents the only way this structure can be built.
The overall dimensions of the proposed structure would not
(see attached continuation)

Request for Zoning Variance (continuation)

Condition 1: lot is shaped like a wedge (Figure 1a, figures submitted with building permit application). There are septic system lateral lines that run across the middle of the lot starting behind the house (Figure 1b) that restrict where this proposed structure can be built without infringing on these lateral lines. There is one room of the house that extends beyond the main plane of the house (Figure 1a). In order to keep the foundation of the proposed garage from infringing on the lateral lines we have requested that the garage be built next to the existing driveway pad. In so doing the front of the garage would extend approximately 11.5 feet ahead of the rear plane of the house.

Condition 2: because of the infringement upon the septic system lateral lines by the accessory building (Figure 2).

Condition 4: allow a setback consistent with the required setback according to code 30.3A without a portion of the garage foundation lying directly over the septic lateral line.

Condition 5: permit). Even if the proposed garage could be set back 11.5 feet, a portion of the proposed garage would still be visible from the street. A row of crepe myrtle trees along the driveway will partially impede the view. Exterior construction will be brick and will not be injurious to the neighborhood or present a detriment to the public welfare or decrease property values.

Condition 6: for seasonal items (Christmas decorations and tree, suitcases, and other personal items). There will be no plumbing to the 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.

GRANTING OF THIS VARIANCE WILL BE IN HARMONY WITH INTENT OF THE ORDINANCE AS THE STRUCTURE WILL NOT BE ABLE TO BE FULLY SEEN FROM THE STREET (FIGURES 3-6 SUBMITTED WITH BUILDING (SEE ATTACHED CONTINUATION))

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 PROPOSED USE OF THE STATION WILL ONLY BE TO HOUSE TWO VEHICLES THAT CURRENTLY ARE PARKED ON THE DRIVEWAY & TO PROVIDE SPACE FOR TOOL STORAGE & AN ATTIC STORAGE SPACE (SEE ATTACHED CONTINUATION)

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.



o Case No. BOA 201819.01

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

Joseph Janis ZERWERH

Mailing Address

605 Valley View Ct
Ovilla, TX 75154

Telephone (Hm)

972-978-2545 (C.)

Telephone (Wk)

same

Email

jzerwh@gmail.com

Applicant's signature

Joseph Janis Zerwerh

4/2/2019
Date 4/3/2019

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: Joseph Zerwekh
Address: 605 Valley View Ct.

Case Number: BOA201819.07

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
CAROL RICHTSMEIER			
RICHARD WARE			
BARBARA BETIK			
OWZIE MOLINA			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

— FOR
— AGAINST
— ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

DISCUSSION & ACTION
Meeting Date: May 09, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 3. **BOA201819.08 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Joseph Zerwekh for a residential variance for an accessory building that the location of the main entrance is facing the front of the property at 605 Valley View Ct.

Discussion / Justification:

APPLICANT: Joseph Zerwekh
LOCATION: 605 Valley View Ct.
ZONING: RE Residential

Applicant's Proposal: *Applicant requests to face the entrance door to accessory building to face the front of the property.*

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

A. Angles:

1. The main opening of the residential accessory building must face at a ninety degree (90) or one hundred and eighty degree (180) 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 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 Waxahachie Daily Light; 12 certified letters mailed. There has been one response in favor.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JOSEPH ZERWEKH TO CONSTRUCT AN ACCESSORY BUILDING THAT HAS THE MAIN DOOR FACING THE FRONT OF THE PROPERTY AT 605 VALLEY VIEW CT. AS PRESENTED IN BOA201819.08."



COPY

Accessory Building Permit Checklist

DATE 4-1-19

OWNER Zer We Kit J

ADDRESS 605 Valley View ct

1. Permit Signed by property owner Yes No
2. Use of building Garage Yes No
3. Plot plan with survey stamp Yes No
4. Building Material Brick Brick Stone Hardiplank Wood Other
5. Roof Material Comp 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
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 1.17 AC
14. Total square footage 729 Total square footage allowed 1274
15. Variance required Yes No

Approved Denied Reason

Chapter 14

30.3 A Front setback

30.3 C Angle of Main Door

30.4 Height

DATE 4-3-19

NAME Mike Dory

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 it [if] the barn is a minimum of two hundred (200') feet off the front lot line.



Case No. BOA201019.00

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. 55

Property Address 605 Valley View Ct

Block No. B

Ovilla, TX 75154

Zoning _____

The Applicant, JOSEPH / JANE ZERNERH, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter 30.3C, Section 30.3C of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

We are requesting a variance from Ovilla zoning ordinance Section 30.3C. This is to allow us to construct a two car free-standing brick garage with an overhead storage space. The property for said construction is located at the apex of a cul-de-sac and such is shaped like a wedge. Because of this layout, the septic system lateral lines run across mid-lot. This layout precludes building the structure according to section 30.3C (angle of accessory building) (See ATTACHED CONTINUATION)

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____

In order to prevent the foundation of the new garage from being constructed too close (eight feet or less by the contractor's standards) to the existing lateral lines, we request that the garage be allowed to be constructed with the garage door facing the same direction as the main structure.



o Case No. BOA 201819.08

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

JOSEPH / Janis ZERWERK

Mailing Address

605 Valley View Ct
Ovilla, TX 75154

Telephone (Hm)

972-478-0545 (C)

Telephone (Wk)

SAME

Email

jzerw1@gmail.com

Joseph C Zerw
Applicant's signature

4/3/2019
Date 4/3/2019

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

30.3C Angle



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 variance from the City of Ovilla zoning ordinance Article 4, SECTION 30.3C is being requested due to the shape of the lot. The lot is located at the apex of a cul-de-sac & (see attached continuation)

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.

Construction of the proposed garage, clinging to wall (non-street facing garage door) would be impossible because of the infringement upon the septic system lateral lines (Figure 2).

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

These special conditions & circumstances are not the result of any action on our part. The lot shape & location of the septic system lateral lines were established by the builder prior to our purchase of the home.

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.

Construction of the free-standing garage as proposed in this request represents the only way this structure can be constructed. The overall dimensions of the proposed structure would not allow a side-facing garage door entry without building (see attached continuation)



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.

Granting of this variance will be in harmony with intent of the ordinance as the structure will not be able to be totally seen from the street (Figure 3-6, submitted with building permit application) (see ATTACHED CONTINUATION)

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 proposed use of the structure will only be to house two vehicles that currently are parked on the driveway to provide space for fuel storage or an attic storage space for (see ATTACHED CONTINUATION)

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.

Request for Zoning Variance (continuation)

Condition 1: because of that the lot is wedge shaped (Figure 1a, figures submitted with building permit application). There are septic system lateral lines that run across the middle of the lot starting behind the house (Figure 1b) that restrict where this proposed structure can be built without infringing on these lateral lines.

Condition 4: over the lateral lines.

Condition 5: Approximately 8 feet of the structure will be visible from the street as one drives up the street and approaches the property. A row of crepe myrtle trees along the driveway will partially impede the view of the garage. Exterior construction will be brick and will not be injurious to the neighborhood or present a detriment to the public welfare or decrease property values.

Condition 6: seasonal items (Christmas decorations and tree, suitcases, and other personal items). There will be no plumbing to the structure.



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: Joseph Zerwekh
Address: 605 Valley View Ct.

Case Number: BOA201819.08

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 PLACEMENT; ANGLES 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

CAROL RICHTSMEIER			
RICHARD WARE			
BARBARA BETIK			
OWZIE MOLINA			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

FOR
AGAINST
ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 4

DISCUSSION & ACTION
Meeting Date: May 09, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 4. **BOA201819.09 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.4 **HEIGHT** filed by Joseph Zerwekh for a residential variance for an accessory building that is greater in height than the main dwelling on his property at 605 Valley View Ct.

Discussion / Justification:

APPLICANT: Joseph Zerwekh
LOCATION: 605 Valley View Ct.
ZONING: RE Residential

Applicant's Proposal: Applicant requests the accessory building be higher than the allowed amount.

Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.4, HEIGHT, states:

A. Angles:

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

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

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JOSEPH ZERWEKH TO CONSTRUCT AN ACCESSORY BUILDING THAT IS HIGHER THAN THE MAIN DWELLING ON HIS PROPERTY AT 605 VALLEY VIEW CT. AS PRESENTED IN BOA201819.09."



COPY

Accessory Building Permit Checklist

DATE 4-1-19

OWNER Zer We kH J

ADDRESS 605 Valley View ct

1. Permit Signed by property owner Yes No
2. Use of building Garage Yes No
3. Plot plan with survey stamp Yes No
4. Building Material Brick Stone Hardiplank Wood Other
5. Roof Material Comp 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
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 1.17 AC
14. Total square footage 729 Total square footage allowed 1274
15. Variance required Yes No

Approved Denied Reason

DATE 4-3-19

NAME Mike Donly

Chapter 14

30.3 A Front setback

30.3 C Angle of Main Door

30.4 Height

30.4 HEIGHT

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

(Ordinance 2010.013 adopted 6/14/10)



Case No. BOA 201919.09

REQUEST FOR A VARIANCE

To the

OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 55

Property Address 605 Valley View Ct.

Block No. B

OVILLA, TX 75154

Zoning _____

The Applicant, Joseph / Janis Zeravich, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter 30.4, Section 30.4 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

We are seeking up to a 10" height variance on the proposed garage. This is to allow sufficient headroom in the attic to be able to move about freely & to easily place heavy items in that area for storage. This would be the maximum height variance request since the land where the garage is to be built actually slopes away from the main dwelling which would reduce the requested variance to less than ten inches.

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____

30.4 Height



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.

We are requesting a variance from the height restriction of accessory buildings due to the 12:12 pitch roof in order to get enough head room for a storage above the car garage. It will permit us to move a unit without crawling or ducking to avoid rafters. (see attached ventilation)

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.

Construction of the garage according to code would require new plans for the storage space and limit the utility of having easy access to the storage area.

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

The proposed plans for the structure were drawn up by the contractor.

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.

Since our property slopes away from the main dwelling where the proposed structure is to be constructed, the 10' variance would be the maximum requested variance & most likely would be less than 10' due to the shape of the land.

However, it should be mentioned that the actual elevation of the ridge will probably be less than 10 inches higher than the house ridge line as a result of the slope in the terrain. The structure will only be used to house two vehicles, provide space for tool storage, and the attic storage space used to store seasonal items such as a Christmas tree and decorations, suitcases, and other personal items. The 12:12 pitch roof as proposed by the builder will provide sufficient headroom to be able to move heavy items into and out of the attic storage without crawling and stooping to avoid the rafters.



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.

It is unlikely that the 10" variance Request (or possibly less) would be offensive due to the location of the proposed structure, the majority of which would be behind the attached garage.

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 proposed use of the structure will only be to house two vehicles currently parked on the driveway to provide space for tool storage of no other storage space for seasonal items (Christmas decorations, Christmas tree, screen cases, & other personal items, there is no plumbing to store

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.



o Case No. BOA 201819.09

I have completed the following requirements:

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

I authorize _____ of _____
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name

JOSEPH / JENNIS ZERWERH

Mailing Address

605 Valley View Ct

Ov. 112, Tx 75154

Telephone (Hm)

972-978-2545 (C)

Telephone (Wk)

SAME

Email

jzerw1@gmail.com

Applicant's signature

Joseph Zerwerh
Jenni Zerwerh

4/3/2019
Date 4/3/2019

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: Joseph Zerwekh
Address: 605 Valley View Ct.

Case Number: BOA201819.09

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.4 HEIGHT 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

CAROL RICHTSMEIER			
RICHARD WARE			
BARBARA BETIK			
OWZIE MOLINA			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

FOR
 AGAINST
 ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

City or Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 5

DISCUSSION & ACTION Meeting Date: May 09, 2019

Attachments:

None

Agenda Item / Topic:

ITEM 5. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Discussion / Justification:

N/A

Sample Motion(s):

N/A