

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 *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.

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

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

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:
DATE TAKEN DOWN:

MAY 6, 2019

TIME:

10:00

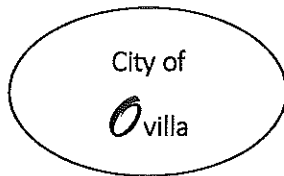
am/pm

TIME:

am/pm



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



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: <u>0074</u>		Valuation: <u>8,000</u>	
Zoning: _____		Valuation w/land: _____	
Project Address: <u>180 Johnson</u>			
Lot: _____		Subdivision: _____	
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____ PLUMBING/ELECTRICAL <input type="checkbox"/> FLATWORK <input type="checkbox"/> SPRINKLER <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> ACCESSORY BUILDING <input type="checkbox"/> FENCE <input checked="" type="checkbox"/>			
Proposed Use: <u>Security Fencing Around Front Of House</u>			
Description of Work: <u>5'x10' Pine Fence w/wooden Fence Panel (Metal)</u>			
Area Square Feet: _____		Covered _____	
Living: _____	Garage: _____	Porch: _____	Total: _____ Number of stories: _____

Homeowner's name: <u>Chris Barzyk</u>		
Address: <u>180 Johnson Ln.</u>		
Phone Number: _____	Home Number: _____	Mobile Number: <u>469-719-4047</u>

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

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

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

Signature of Applicant: Chris Barzyk Date: March 15, 2019

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 # _____



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, OVILLA, 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
Building Permit Fee: \$25.00
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: \$25.00
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. 2019-0074

Location: 180 JOHNSON LN

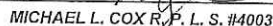
Description:

Owner: CHRIS BARZYK

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



10:58 4



tractorsupply.com



Search

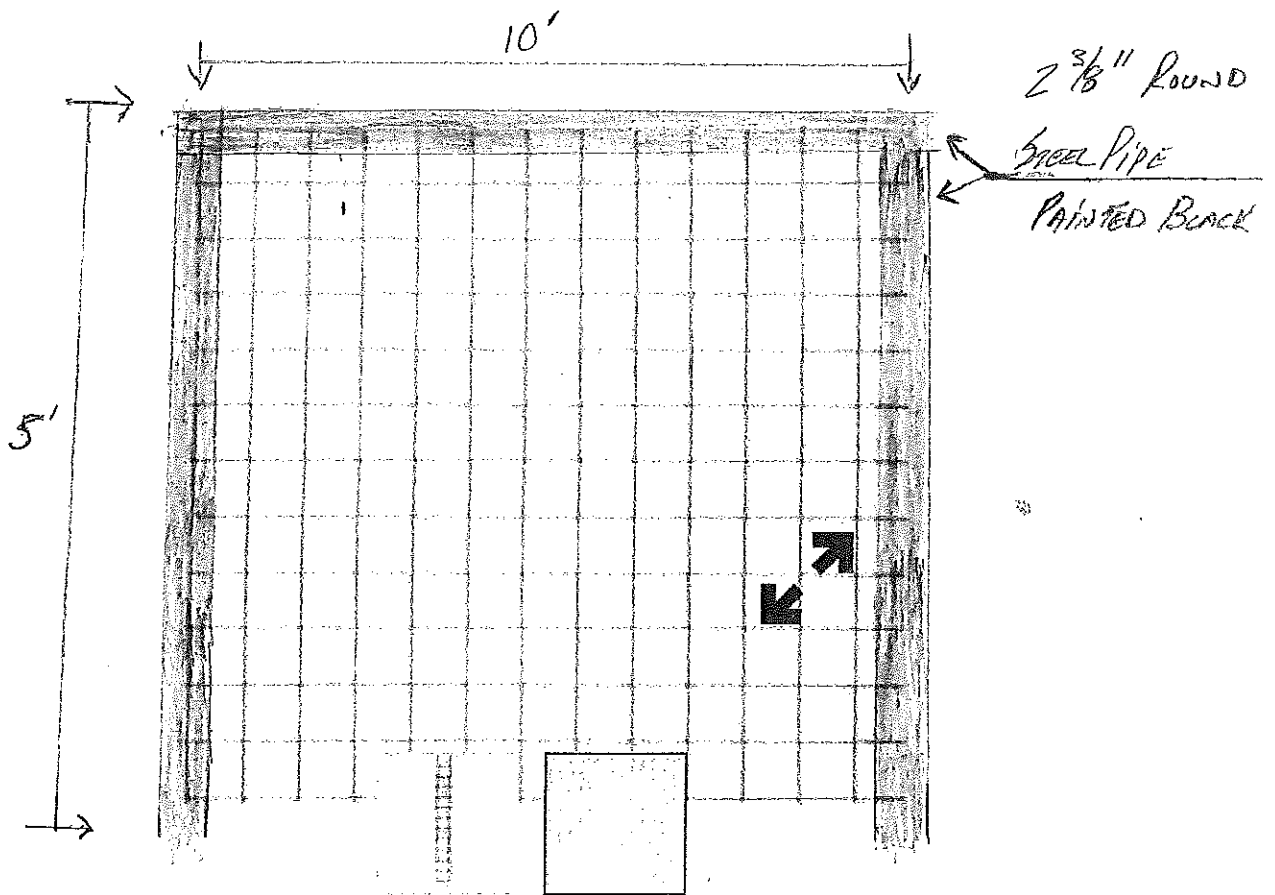


CHICK DAYS ARE HERE!

[SHOP NOW](#)

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

SKU # 361035999



\$64.99



5.0 (10)

[Write a review](#)

Share <

FREE ONLINE PICK UP IN STORE



Accessory Building Permit Checklist

DATE 3-19-19

OWNER Barzyk

ADDRESS 180 Johnson

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

Board of Adjustment Variance Required Yes No

Approved Denied Reason Front Building Line.

DATE 3-19-19

NAME Mike Dool

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)

Case No. BOA201919.06

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 Barzyk

Mailing Address 180 Johnson Ln
Ovilla, TX 75754

Telephone (Hm) 469-719-4047

Telephone (Wk) 972-822-9661

Email chrismendi836@gmail.com

Mendi Barzyk
Applicant's signature Chris Barzyk

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: _____

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 Porrookwood Addn Property Address 180 Johnson Ln.
Car. A Slide 562

Block No. _____

OVILLA TR 75154

Property Zoned RC

OWNER OF PROPERTY Chris and Mendi Banzyk

APPLICANT same

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



Case No. BOA201819.06

The Applicant/Owner, Chris & Mendli 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.
want
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?

N/A 2016



Case No. BOA 201819-06

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

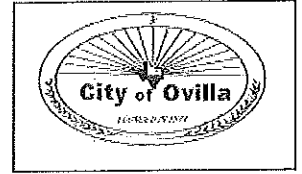
CONDITION 3: Requires that the SPECIAL EXCEPTION will be wholly compatible with the used and permitted development of adjacent properties.

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**

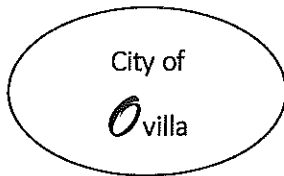
Presiding Officer of BOA

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:

- I. 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."

Residential Building Permit Application

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

Homeowner's name: <u>JOSEPH E. ZERWEKH</u>	
Address: <u>605 VALLEY VIEW COURT</u>	
Phone Number: <u>972-978-2545</u>	Mobile Number: <u>972-978-2545</u>

General Contractor	Contact Person <u>Timothy Tellez</u>	Phone Number <u>972-291-6999</u>	Contractor License Number <u> </u>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

() 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 Zerwekh Date: 03/15/2019

OFFICE USE ONLY:

Approved by: <u> </u>	Date approved: <u> </u>	
City Manager: <u> </u>	Date approved: <u> </u>	

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 #



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/	\$0.00
		Land:	
Project Address:	605 VALLEY VIEW CT		
Lot:	Block:	Subdivision:	
<u>Project Description:</u>			
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.		
<u>Area Square Feet:</u>			
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 STRUCTURES IN RELATION TO LATERAL LINES & EXISTING STRUCTURES.

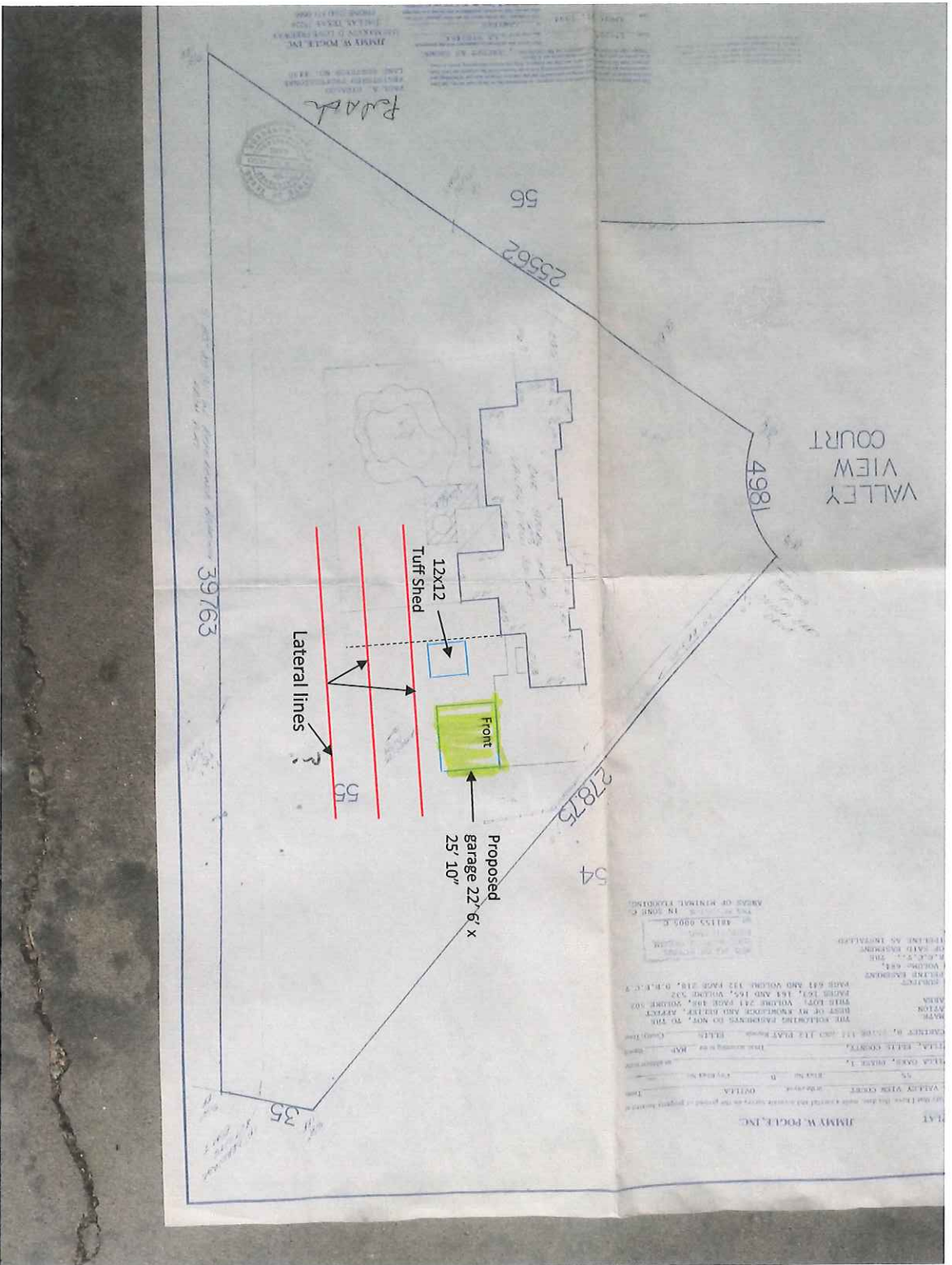
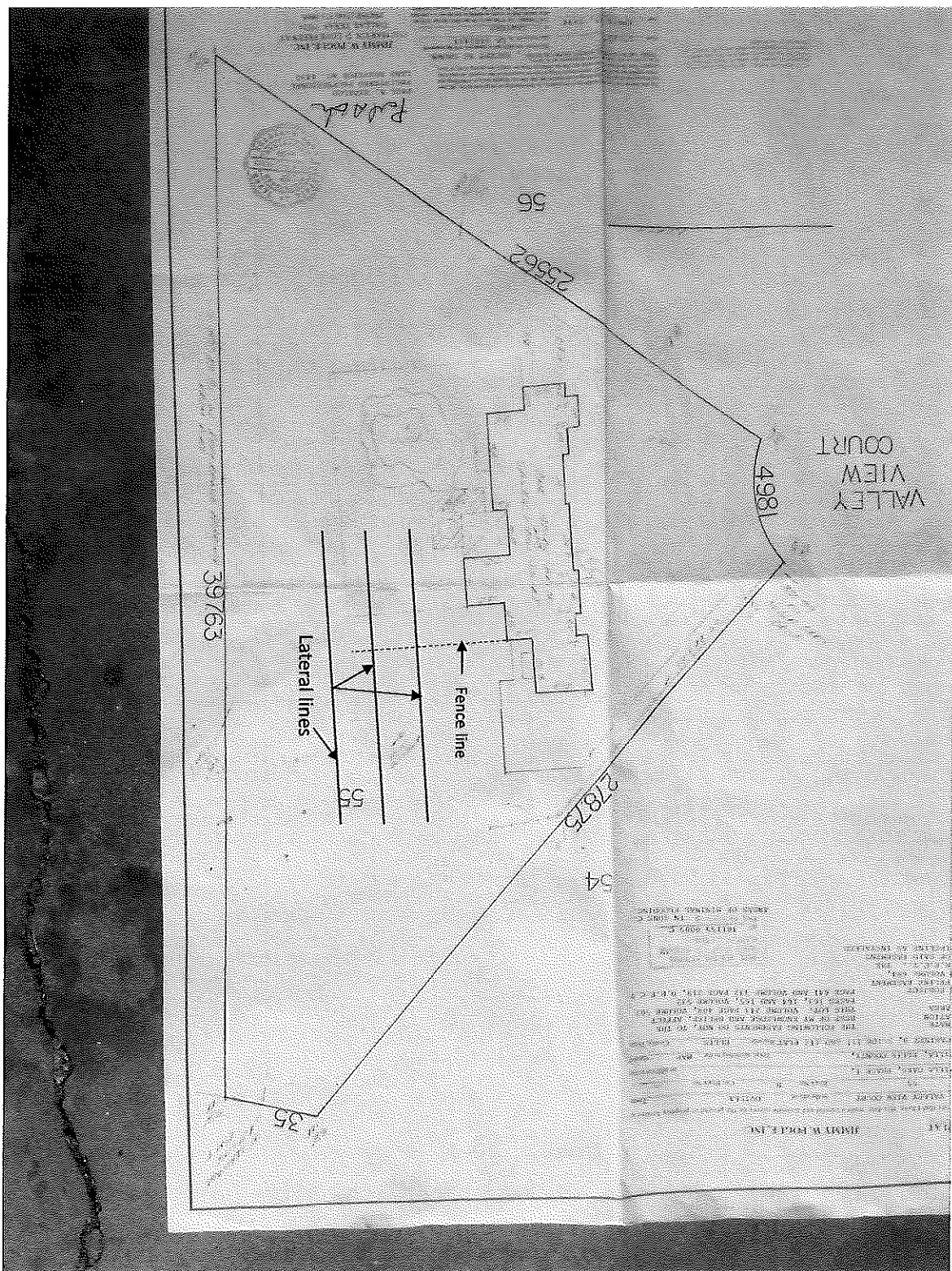


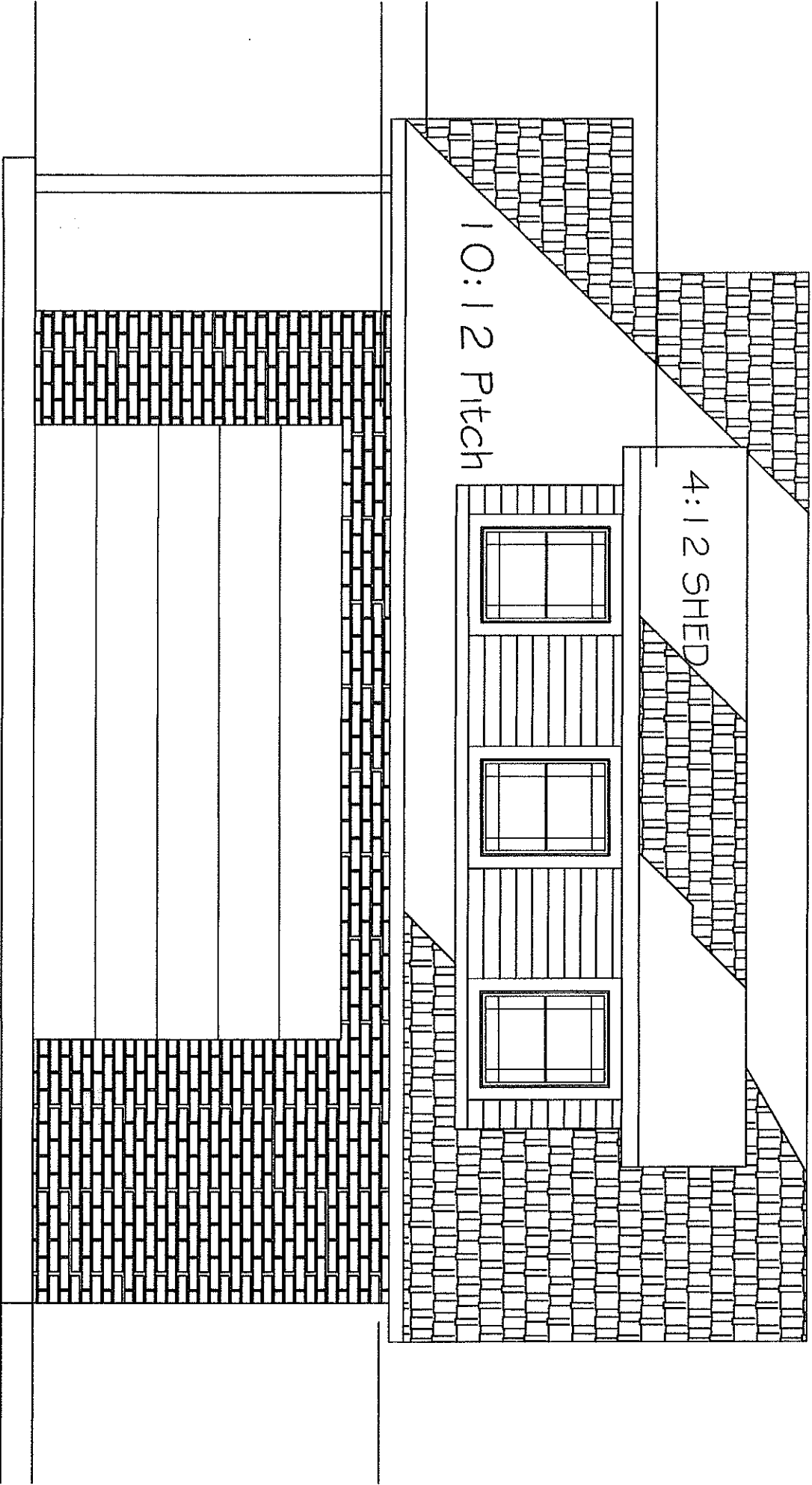
FIGURE 16. Survey Plat with approximate location of Lateral Lines



12:12 pitch

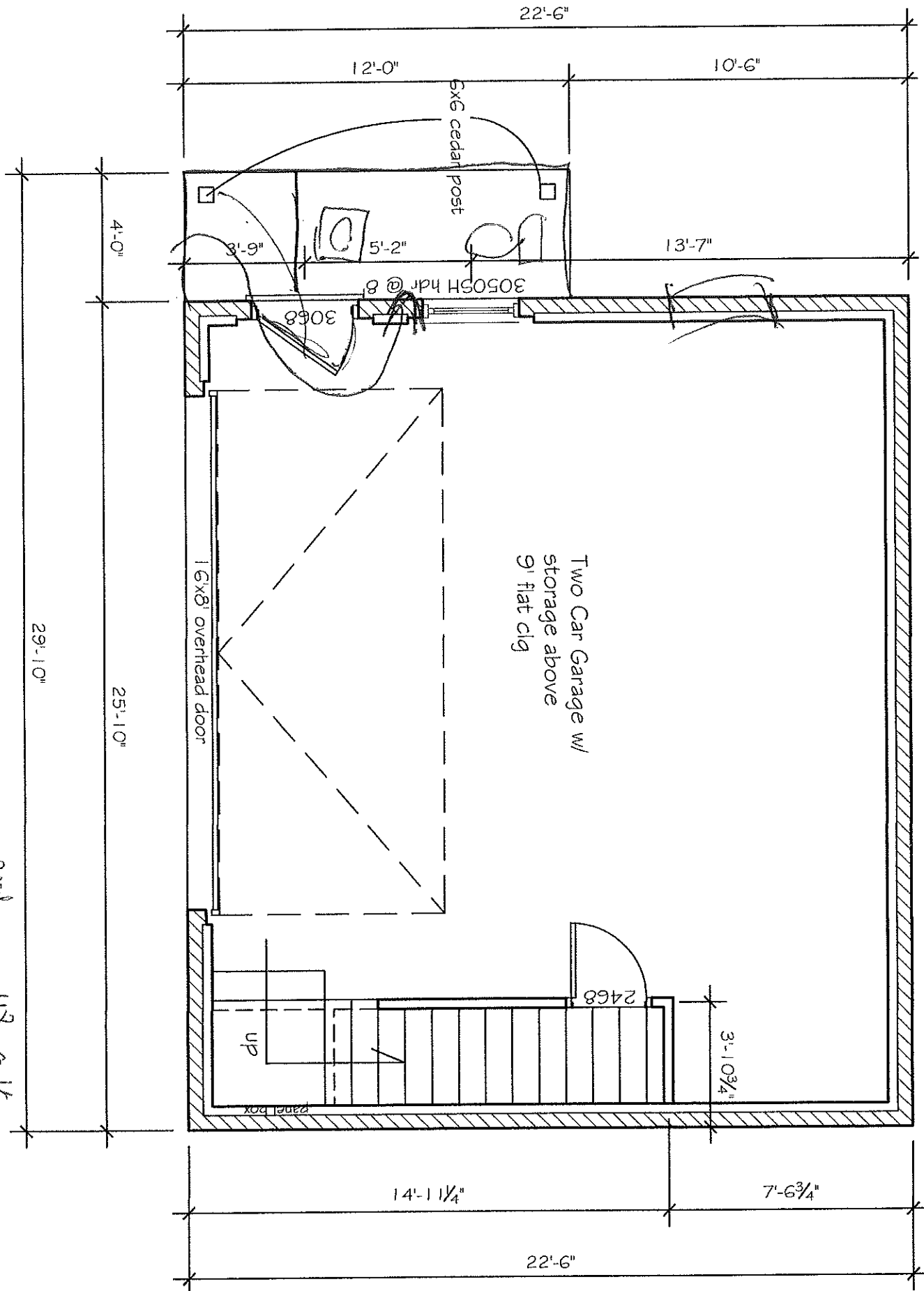
4:12 SHED

10:12 Pitch



✓

FLOOR PLAN



porch
 down
 up
 48 sq ft
 571 sq ft
 335 sq ft

SCALE 1/4" = 1'0"

MAXIMIZED ATTIC STORAGE

SCALE 1/4" = 1'0"

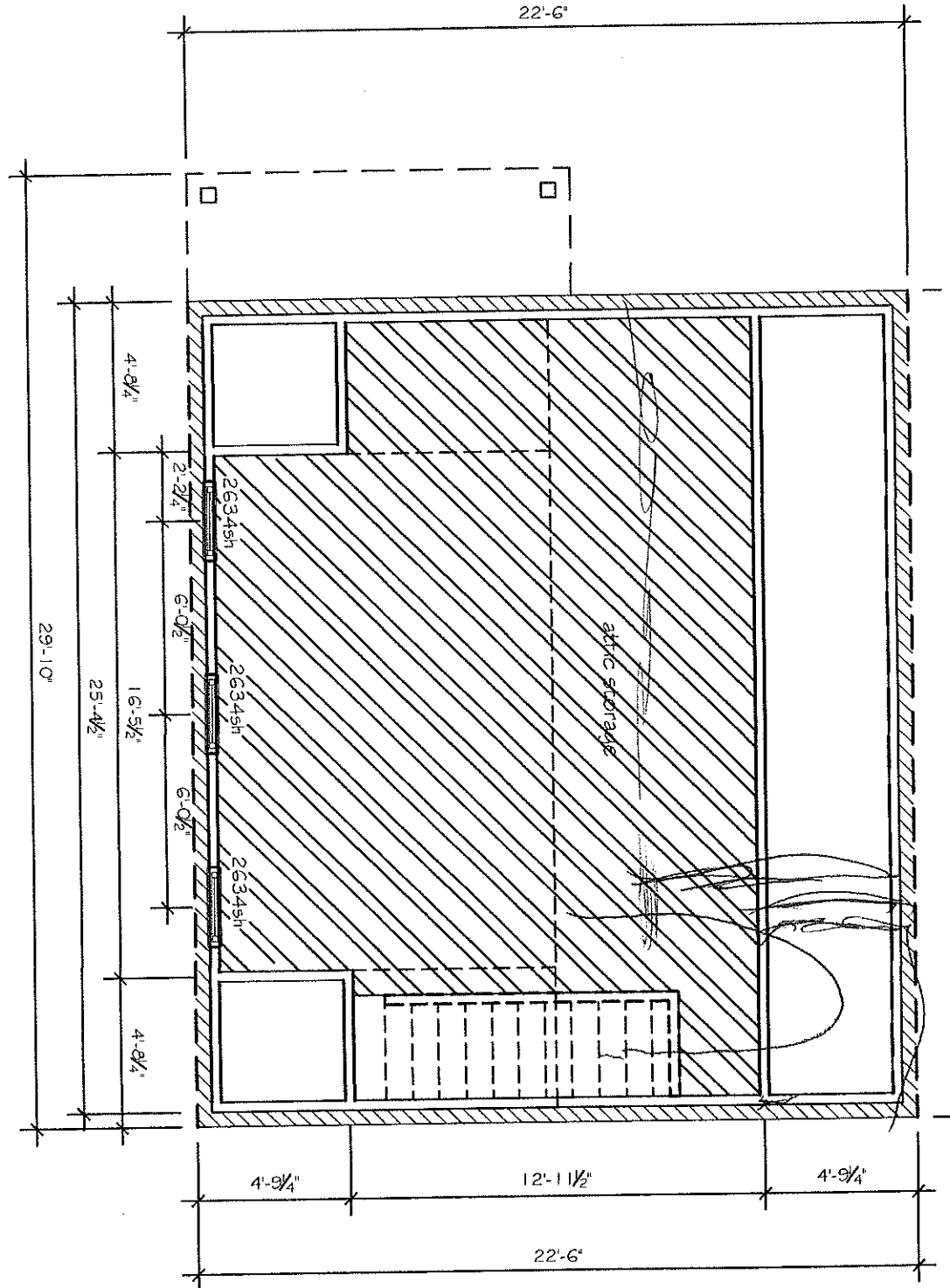


Fig. 3. Approach from North



1-19-5 View from WIL-DE-SAL TO ENTRANCE



Fig. 4 - Approach From North



Figure 6. Conceptual drawing of proposed garage 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 Zerwekh J

ADDRESS 605 Valley View Ct

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Garage
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☒ Brick ☒ Stone ☐ Hardiplank ☐ Wood ☐ Other
5. Roof Material Comp
6. Door Facing 90' from front of property Yes* ☒ No ☐ Yes
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 ☐ Yes
9. Septic tank/aerobic sprinkler spray location Yes ☒ No ☐ Yes
10. Electricity Yes ☒ No ☐ Yes
11. Plumbing Yes ☒ No ☐ Yes
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 Dooly

30.3 PLACEMENT

- A. Front Setback. A residential accessory building must be located completely behind the rear plane of the main dwelling.
- B. Other Setbacks. An accessory building may not be closer than five (5) feet to the lot line on any side and no closer than one hundred (100') feet to the front line.
- C. Angles. The main opening or door of the residential accessory building must face at a ninety (90°) degree or one hundred and eighty (180°) degree angle from the front of the main building; provided however, that barn doors may face forward if the barn is a minimum of two hundred (200') feet off the front lot line.



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 / JANIS ZERWEKH, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter _____, 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 in Ovilla zoning ordinance 30.3A. This is to allow us to construct a two-car free-standing brick garage with an over head 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-lot. 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 punishment (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 local 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 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 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 TOTALLY SEEN FROM THE STREET (FIGURES 3-6 SUBMITTED WITH BUILDING USE 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 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.



• 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 (CJ)

Telephone (Wk)

SAME

Email

jzerwerh@gmail.com

Joseph & Janis Zerwerh
Applicant's signature Jan 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			
OZZIE MOLINA			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

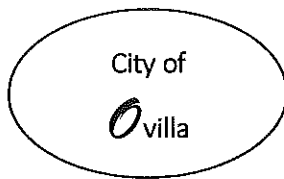
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

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 Zerwekh J

ADDRESS 605 Valley View Ct

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Garage
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☒ Brick ☐ Stone ☐ Hardiplank ☐ Wood ☐ Other
5. Roof Material Comp
6. Door Facing 90' from front of property Yes ☒ No ☐
7. Height no taller than main dwelling or 25' ☒ Yes ☒ No
8. Location of Building
 - a. 100 ft from front property line ☒ Yes ☐ No
 - b. 5 feet from side property lines ☒ Yes ☐ No
 - c. Behind Rear plane of house Yes ☒ No ☐
9. Septic tank/aerobic sprinkler spray location Yes ☒ No ☐
10. Electricity Yes ☒ No ☐
11. Plumbing Yes ☒ No ☐
12. Number of buildings on property 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 Dooly

30.3 PLACEMENT

- A. Front Setback. A residential accessory building must be located completely behind the rear plane of the main dwelling.
- B. Other Setbacks. An accessory building may not be closer than five (5) feet to the lot line on any side and no closer than one hundred (100') feet to the front line.
- C. Angles. The main opening or door of the residential accessory building must face at a ninety (90°) degree or one hundred and eighty (180°) degree angle from the front of the main building; provided however, that barn doors may face forward if the barn is a minimum of two hundred (200') feet off the front lot line.



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 KANS ZERNERH, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter _____, 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 & as 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 (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.



• 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

Mailing Address

Telephone (Hm)

Telephone (Wk)

Email

JOSEPH / JANIS ZERNERKH
605 VALLEY VIEW CT
OVILLA, TX 75154
972-478-0545 (C)
SAME
jzernw1@gmail.com

Joseph C Zernerkh
Applicant's signature Jan Zernerkh

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 according to local (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 (Figures 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 tool storage & 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			
OZZIE MOLINA			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

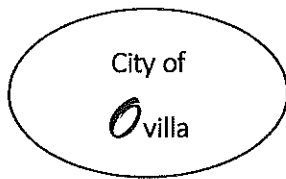
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

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 Zerwek H J

ADDRESS 605 Valley View Ct

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Garage
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☒ Brick ☒ Stone ☐ Hardiplank ☐ Wood ☐ Other
5. Roof Material Comp
6. Door Facing 90' from front of property Yes ☒ No ☐
7. Height no taller than main dwelling or 25' ☒ Yes ☒ No
8. Location of Building
 - a. 100 ft from front property line ☒ Yes ☐ No
 - b. 5 feet from side property lines ☒ Yes ☐ No
 - c. Behind Rear plane of house ☒ Yes ☒ No
9. Septic tank/aerobic sprinkler spray location ☐ Yes ☒ No
10. Electricity ☐ Yes ☒ No
11. Plumbing ☐ Yes ☒ No
12. Number of buildings on property 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 Dooly

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 201819.09

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 Zerachh, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter _____, 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 attic storage above the 2-car garage. It will permit us to move about without crawling or ducking to avoid rafters. (see attached location map)

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 slope 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 obtrusive 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 fuel storage & an additional storage space for seasonal items (Christmas decorations, Christmas tree, suitcases, & other personal items). There is no plumbing to structure.

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 201819.09

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 / JANE ZERWERH

Mailing Address

605 Valley View Ct

Ovilla, TX 75154

Telephone (Hm)

972-978-2545 CC

Telephone (Wk)

SAME

Email

jzerw1@gmail.com

Joseph Zerwerh

Applicant's signature

Jan 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			
OZZIE MOLINA			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

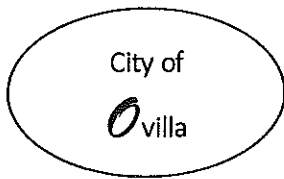
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

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
