

Chair Carol Richtsmeier, PL1
Vacant, 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

SPECIAL MEETING AGENDA

Board of Adjustment
105 S. Cockrell Hill Road, Ovilla, Texas 75154
June 06, 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, June 6, 2019 at 6:00 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

♦ Minutes of the May 09, 2019 Special Board of Adjustment Meeting

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. BOA201819.05 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Larry Doran for a residential variance for an accessory building that is placed with the main door facing the front of property at 100 High View Ct.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Larry Doran.

ITEM 2. BOA201819.10 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Charles Steger for a residential special exception for a fence that is on or beyond the building line on his property at 625 Meadowlark Dr.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Charles Steger.

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

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **June 6, 2019 @ 6:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 30th day of May 2019, prior to 6:00 p.m.


Glenn Miller, Deputy City Secretary

DATE OF POSTING: MAY 30, 2019 **TIME:** 3:00 **am/pm**
DATE TAKEN DOWN: _____ **TIME:** _____ **am/pm**

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



CITY OF OVILLA MINUTES
Monday, May 20, 2019
Board of Adjustment Special Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:00 p.m. with the following BOA members present, thus constituting a quorum:

Carol Richtsmeier	Board Member
Ozzie Molina	Board Member
Stephanie Heimbuch	Board Member
Mark Clark	Board Member (Alternate)

City Manager John Dean & Code Enforcement Officer Mike Dooly were present.
At this time Chair Richtsmeier asked PL4 Heimbuch to call roll of present members, thus declaring a quorum.

Vice Chair Ware, PL3 Betik & Alt. Member Halyard- King were noted absent.

The Pledge of Allegiance was led at this time.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

None

PUBLIC HEARING

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 property line on his property at 180 Johnson Lane.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:05 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation of the applicant's request. He explained the previous owners had a fence already in this location. The family has horses and would like a fence surrounding the property. The front of the property is the only section not fenced.

(Testimony that followed was under proper oath; Applicant)

The applicant reiterated Mr. Dooly's statements. He did explain he has been at the residence 2 years and he is finding the concrete that held the fence posts of the previous fence, while mowing. He added he would like to have the added security of the surrounding fence.

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

None

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

None

(Rebuttal or Final Comments:)

None

The Public Hearing was closed at 7:08 p.m.

CITY OF OVILLA MINUTES
Monday, May 20, 2019
Board of Adjustment Special Meeting

INDIVIDUAL CONSIDERATION

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

PL4 Heimbuch read aloud the Findings-of-Fact. After discussion, the Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a **positive** outcome.

PL2 Molina moved that the BOA **APPROVE** the request for Chris Barzyk for a special exception to construct a fence on or beyond the building line as requested in BOA 201819.06.
PL7 Clark seconded the motion.

Record vote was called:

Record Vote:

RICHTSMEIER	<u>AYE</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>AYE</u>
CLARK	<u>AYE</u>

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

- 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.
- 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.
- 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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing for the ALL VARIANCES OF THE APPLICANT at 7:16 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation of the applicant's request. He explained the building would sit 10-20 feet in front of the rear plane due to the shape of the lot and the lateral lines that were placed as well. He added that the building would be constructed of brick that would match the main dwelling. Due to the lateral lines, and the shape of the lot, the door to the building would be accessible if it sat facing the front of the property. Mr. Dooly did explain that the foundation and slope of the lot would make the height of the building around 10 inches higher than the home – but it would be because of not being able to level out portions of the land, and really would not be seen.

CITY OF OVILLA MINUTES
Monday, May 20, 2019
Board of Adjustment Special Meeting

(Testimony that followed was under proper oath; Applicant)

The applicant reiterated Mr. Dooly's statements. He reiterated that the height is only 10 inches higher than the main dwelling, maybe even less.

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

None

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

None

(Rebuttal or Final Comments:)

None

The Public Hearing was closed at 7:40 p.m.

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

BOA 201819.07:

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

PL4 Heimbuch moved that the BOA APPROVE the request for Joseph Zerwekh for a variance to construct an accessory building that is not behind the rear plane of the main dwelling as requested in BOA 201819.07.

PL2 Molina seconded the motion.

Record vote was called:

Record Vote:

RICHTSMEIER	<u>AYE</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>AYE</u>
CLARK	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

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

BOA 201819.08:

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

PL7 Clark moved that the BOA APPROVE the request for Joseph Zerwekh for a variance to construct an accessory building with the main door facing the front building line as requested in BOA 201819.08.

PL4 Heimbuch seconded the motion.

CITY OF OVILLA MINUTES
Monday, May 20, 2019
Board of Adjustment Special Meeting

Record vote was called:

Record Vote:

RICHTSMEIER	<u>AYE</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>AYE</u>
CLARK	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

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

BOA 201819.09:

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

PL4 Heimbuch moved that the BOA APPROVE the request for Joseph Zerwekh for a variance to construct an accessory building that is greater in height than the main dwelling as requested in BOA 201819.09.

PL2 Molina seconded the motion.

Record vote was called:

Record Vote:

RICHTSMEIER	<u>AYE</u>
MOLINA	<u>AYE</u>
HEIMBUCH	<u>AYE</u>
CLARK	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

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

None

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:45 p.m.

Chair Carol Richtsmeier

ATTEST:

Glennell Miller, Board Secretary
Attachment(s): Findings of Fact

Approved on June 6, 2019



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

Applicant: Chris Barzyk
Address: 180 Johnson Ln.

Case Number: BOA201819.06

Upon giving public notice and conducting a public hearing on this **SPECIAL EXCEPTION** request in accordance with Chapter 14, Section 35.3 Fences in Residential Districts of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and	✓	
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and	✓	
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.	✓	

BOA Members present, and upon a record vote of:

		FOR	AGAINST	ABSTAIN
Chair Carol Richtsmeier		AYE		
Vice Chair Richard Ware	ABSENT			
Member Stephanie Heimbuch		AYE		
Member Barbara Betik	ABSENT			
Member Ozzie Molina		AYE		
Alt. Member Patricia Halyard-King	ABSENT			
Alt. Member Mark Clark		AYE		

TOTALS:

4
0
0

FOR
AGAINST
ABSTAIN

The special exception is hereby:

✓ **granted**

 denied

Presiding Officer of BOA

DATE

Attest:

Board Secretary

DATE



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	AYE		
RICHARD WARE			
BARBARA BETIK			
OZZIE MOLINA	AYE		
STEPHANIE HEIMBUCH	AYE		
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)	AYE		

TOTALS: 4 **FOR**
 0 **AGAINST**
 0 **ABSTAIN**

The variance is hereby: ✓ granted _____ denied

Presiding Officer of BOA

Date

City or Board Secretary

City of OVILLA Board of Adjustment Findings of Fact for VARIANCE



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		AYE		
RICHARD WARE	ABSENT			
BARBARA BETIK	ABSENT			
OZZIE MOLINA		AYE		
STEPHANIE HEIMBUCH		AYE		
PATRICIA HALYARD-KING (ALT)	ABSENT			
MARK CLARK (ALT)		AYE		

TOTALS:

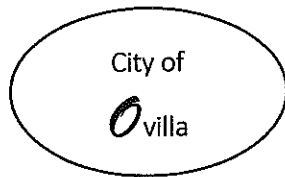
___ FOR
 ___ AGAINST
 ___ ABSTAIN

The variance is hereby: ✓ granted _ denied

Presiding Officer of BOA

Date

Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION
Meeting Date: June 6, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 1. BOA201819.05 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Larry Doran for a residential variance for an accessory building that the location of the main entrance is facing the front of the property at 100 High View Ct.

Discussion / Justification:

APPLICANT: Larry Doran

LOCATION: 100 High 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 no response.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO LARRY DORAN TO CONSTRUCT AN ACCESSORY BUILDING THAT HAS THE MAIN DOOR FACING THE FRONT OF THE PROPERTY AT 100 HIGH VIEW CT. AS PRESENTED IN BOA201819.05."

Residential Building Permit Application

Building Permit Number: <u>2019-0011</u>		Valuation: <u>5,000</u>	
Zoning: <u>Residential</u>		Valuation w/land: _____	
Project Address: <u>100 High View Ct.</u>			
Lot: <u>62</u>	Block <u>B</u>	Subdivision: <u>Ovilla Oaks, First Section</u>	
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____ PLUMBING/ELECTRICAL <input type="checkbox"/> FLATWORK <input type="checkbox"/> SPRINKLER <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> ACCESSORY BUILDING <input checked="" type="checkbox"/> FENCE <input type="checkbox"/>			
Proposed Use: <u>Storage</u>			
Description of Work: <u>place a 10X20 Storage building in backyard</u>			
Area Square Feet: _____	Covered _____	Total: <u>200</u>	
Living: <u>200</u>	Garage: _____	Porch: _____	Number of stories: <u>1</u>

Homeowner's name: <u>Larry Doran</u>	
Address: <u>100 High View Ct.</u>	
Phone Number: <u>972-345-7430</u>	Home Number: <u>11</u> Mobile Number: <u>11</u>

Contractor	Contact Person	Phone Number	Contractor License Number
General Contractor			
Mechanical Contractor			
Electrical Contractor			
Plumber/Irrigator			

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

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

Signature of Applicant: Larry Doran Date: 3-14-19

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: _____
COPY
 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 # 2019-0071 Valuation: \$5,000.00
Zoning: Valuation w/ \$0.00
Land:

Project Address: 100 HIGH VIEW CT
Lot: Block: Subdivision:

Project Description:

New SFR Flatwork
Plumbing/Electrical Accessory Building Yes
Swimming Pool Sprinkler
SFR Remodel/Addition Fence
Other Specify Other:

Proposed Use: STORAGE BUILDING
Description of Work: INSTALL A 10x20 STORAGE BUILDING IN BACKYARD

Area Square Feet:

Living: Garage: Covered Porch:
Total: 0.00
of Stories:

Homeowner Details

Name: LARRY DORAN
Address: 100 HIGH VIEW CT, RED OAK, TX 75154
Phone # Email:

Applicant Details

Applicant Type: Owner
Name: LARRY DORAN
Address: ,
Phone # (972) 345-7430 Email:

COPY

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: \$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 #

COPY



Building Permit

City of Ovilla

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

Permit No. 2019-0071

Location: 100 HIGH VIEW CT

Description: INSTALL A 10x20 STORAGE BUILDING IN BACKYARD

Owner: LARRY DORAN

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site

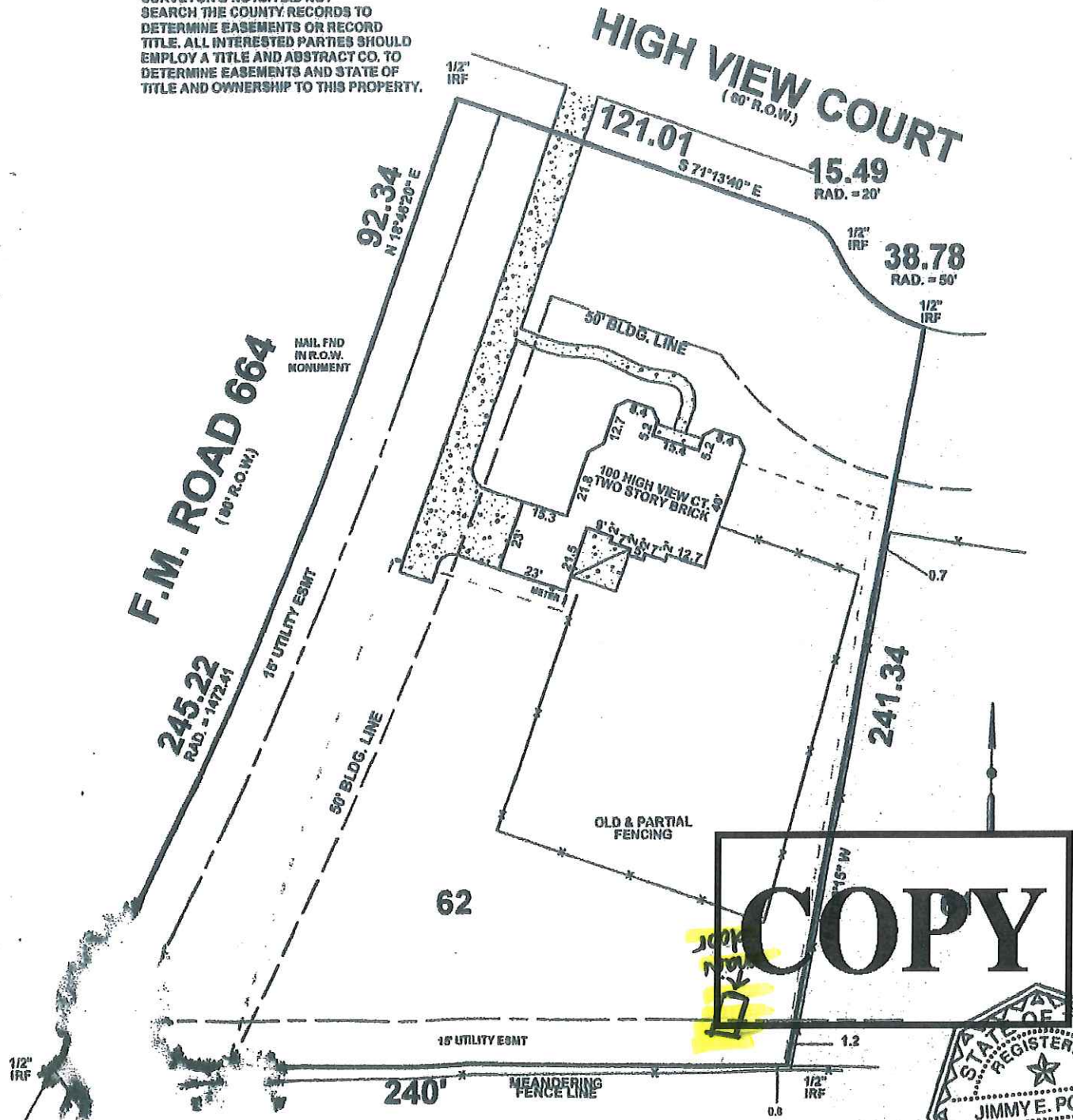
COPY

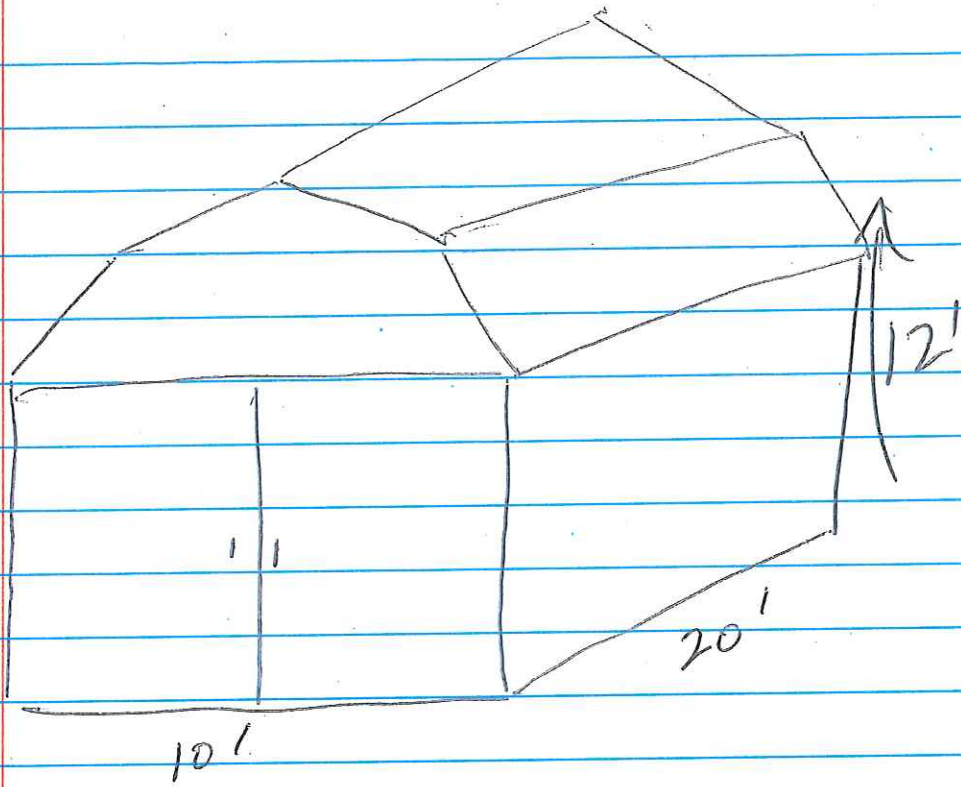
STADIA
LAND SURVEYING INC.

DATE: 01/16/10

No. 100 HIGH VIEW COURT in the city of OVILLA, Texas.
Lot No. 62, Block No. B of _____
OVILLA OAKS, FIRST SECTION, an addition to the
City of OVILLA, ELLIS COUNTY, Texas, according to the MAP
thereof recorded in CABINET B, SLIDE 111 & 112 PLAT records ELLIS County, Texas.

SURVEYOR'S NOTE: I DID NOT
SEARCH THE COUNTY RECORDS TO
DETERMINE EASEMENTS OR RECORD
TITLE. ALL INTERESTED PARTIES SHOULD
EMPLOY A TITLE AND ABSTRACT CO. TO
DETERMINE EASEMENTS AND STATE OF
TITLE AND OWNERSHIP TO THIS PROPERTY.





COPY

Lofted Barn

- The Lofted Barn comes standard with a loft in each end.
- 8' wide buildings come with a single shop built door. 10' and wider come standard with double shop built doors.

PAINTED



URETHANE



URETHANE



Side Lofted Barn

- The Side Lofted Barn comes standard with a loft in each end.
- Comes standard with two 2x3 windows with screens.
- 8' wide buildings come with a single shop built door. 10' and wider come standard with double shop built doors.

URETHANE





COPY

Accessory Building Permit Checklist

DATE 3-15-19

OWNER Larry Doran

ADDRESS 100 High View Ct

1. Permit Signed by property owner Yes? No
2. Use of building storage
3. Plot plan with survey stamp Yes No
4. Building Material Brick Stone Hardiplank Wood Other
5. Roof Material metal
6. Door Facing 90' from front of property Yes No
7. Height no taller than main dwelling or 25' Yes No
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 1.3 acre
14. Total square footage 200 sq ft Total square footage allowed 1100
15. Variance required Yes No

Approved

Denied

Reason

Chapter 14

DATE 3-15-19

NAME Mike Doran

30.3 C Angles
The main opening or door
of the Residential Accessory
Building must face at a 90° or
180° Angle from the front of
the main building.



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

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

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

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

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

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

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

Case No. BOA 201819.05

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.

The area of placement of our storage building is the Southeast corner of our property. This area is shielded by Cedar trees and behind that a 6' fence. To the east another 6 ft fence and cluster of trees is there. In front of it is an additional cluster of trees. The storage shed will not be visible from the street due to elevation, distance and tree coverage.

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.

Allowing the storage shed to face toward the front of our property will allow us to enjoy easy access. It will run parallel to the face line providing a symmetrical, aesthetically pleasing look.

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

The storage shed will be approximately 170' from the front buildline. From the street, Highview Ct, the building will be more than 200' and not visible to anyone unless they are in our backyard.

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.

The placement of the storage shed allows easiest access facing forward. It also will allow the footprint to ~~not~~ run parallel and to our fence and not obstruct the area to the west.

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.



*Since the storage shed will not be in plain sight to the public,
it will not be detrimental to the public welfare*

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 storage shed will be used for storage of lawn equipment and tools
i.e. standard use*

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.

Larry Doran 100 High View Ct.

Condition 1:

The area of placement of our storage shed is the Southeast corner of our property. This area is shielded by Cedar Trees and behind that a 6' privacy fence. To the East another 6ft privacy fence with a cluster of trees in the neighboring yard. In front of the shed is another cluster of trees. The storage shed will not be visible from the street due to the elevation, distance and tree coverage.

Condition 2:

Allowing the storage shed to face toward the front of our property will allow us to enjoy easy access. It will run parallel to the fence line providing a symmetrical, aesthetically pleasing look.

Condition 3:

The storage shed will be approximately 170' from the front build line. From the street, High View Ct., the building will be more than 200' and not visible to anyone unless they are in our backyard.

Condition 4:

The placement of the storage shed allows easiest access facing forward. It also will take up a smaller footprint running parallel to our fence line rather than perpendicular.

Condition 5:

Since the storage shed will not be in plain sight to the public it will not be detrimental to the public welfare.

Condition 6:

The storage shed will be used for storage of lawn equipment and tools.



Case No. BOA 201819.05

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. 62

Property Address 100 High View Ct.

Block No. B

Ovilla, TX 75154

Zoning Residential

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

The way my property is designed it will allow me easier access to my shed with a front facing building. It will be located in the Southeast corner of our property. There are Cedar trees and a 6' privacy fence behind it. There is a 6' privacy fence and a cluster of trees to its east. There is also a cluster of trees in front of our proposed location. The building will be 170' from the front build line and more than 200' from the street - Highview Ct. The building will not be visible from the street because of elevation and aforementioned trees and fence. It will be more symmetrical to run parallel to our fence rather than perpendicular.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed?

Fence



- Case No. BOA 201819-05

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 Larry Doran


Mailing Address 100 High view ch

Ovilla TX 75154

Telephone (Hm) 972-345-7430

Telephone (Wk) _____

Email ldoran@yahoo.com


Applicant's signature

3-28-19
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: LARRY DORAN
Address: 100 HIGH VIEW CT.

Case Number: BOA201819.05

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			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

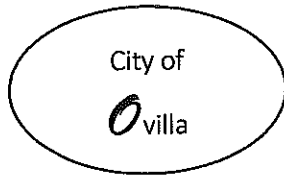
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION
Meeting Date: June 6, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 2. **BOA201819.10 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Charles Steger for a residential special exception for a fence that is on or beyond the building line on his property at 625 Meadowlark Dr.

Discussion / Justification:

APPLICANT: Charles Steger
LOCATION: 625 Meadowlark Dr.
ZONING: R22 Residential
Applicant's Proposal: *Applicant requests to place his fence on or beyond the building line.*

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

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 Variance under certain circumstances & after review of the **Findings of Fact** form.

NOTICES: One public notice listed in the Waxahachie Daily Light; 10 certified letters mailed. There has been no response.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO CHARLES STEGER TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON HIS PROPERTY AT 625 MEADOWLARK AS PRESENTED IN BOA201819.10."

Residential Building Permit Application

Building Permit Number: <u>2019-0135</u>		Valuation: <u>5,000</u>	
Zoning: _____		Valuation w/land: _____	
Project Address: <u>625 Meadowlark Dr</u> <u>TX 75154</u>			
Lot: <u>9</u>	<u>2</u>	Subdivision: <u>Westmoreland Ac.</u>	
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____ PLUMBING/ELECTRICAL <input type="checkbox"/> FLATWORK <input checked="" type="checkbox"/> SPRINKLER <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> ACCESSORY BUILDING <input type="checkbox"/> FENCE <input checked="" type="checkbox"/>			
Proposed Use: <u>6 ft wood fence</u>			
Description of Work: _____			
Area Square Feet: _____		Covered _____	
Living: _____	Garage: _____	Porch: _____	Total: _____ Number of stories: _____

Homeowner's name: <u>Juan Garcia</u>		
Address: <u>625 Meadowlark Dr</u> <u>TX 75154</u>		
Phone Number: _____	Home Number: _____	Mobile Number: _____

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Southwest Custom Homes</u>	<u>Charles Steger</u>	<u>469-767-2948</u>	<u>n/a</u>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
<u>n/a</u>			
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
<u>n/a</u>			
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number
<u>n/a</u>			

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.

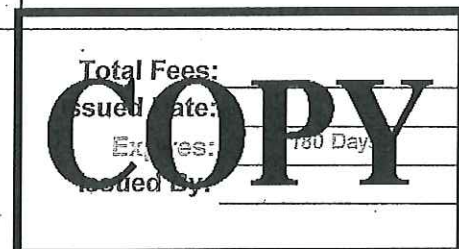
Signature of Applicant: Charles Steger Date: 5-6-19

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 # _____



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 # 2019-0135 Valuation: \$5,000.00
Zoning: Valuation w/ \$0.00
Land:

Project Address: 625 MEADOW LARK DR
Lot: Block: 2 Subdivision:

Project Description:

New SFR Flatwork
Plumbing/Electrical Accessory Building
Swimming Pool Sprinkler
SFR Remodel/Addition Fence Yes
Other Specify Other:

Proposed Use:
Description of Work: 6FT WOOD FENCE
METAL POSTS

Area Square Feet:

Living: Garage: Covered Porch:
Total: 0.00
of Stories:

Homeowner Details

Name: JUAN GARCIA
Address: 625 MEADOW LARK, OVILLA, TX 75154
Phone # Email:

Applicant Details

Applicant Type: Agent
Name: CHARLES STEGER
Address: ,
Phone # (469) 767-2948 Email:

COPY

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 :	Deny	Date approved:	
City Manager:	Deny	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: Mike Dooly

BV Project #

Denied -

COPY



Building Permit

City of Ovilla

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

Permit No. 2019-0135

Location: 625 MEADOW LARK DR

Description: 6FT WOOD FENCE
METAL POSTS

Owner: JUAN GARCIA

Date Issued:

Building Inspector: _____

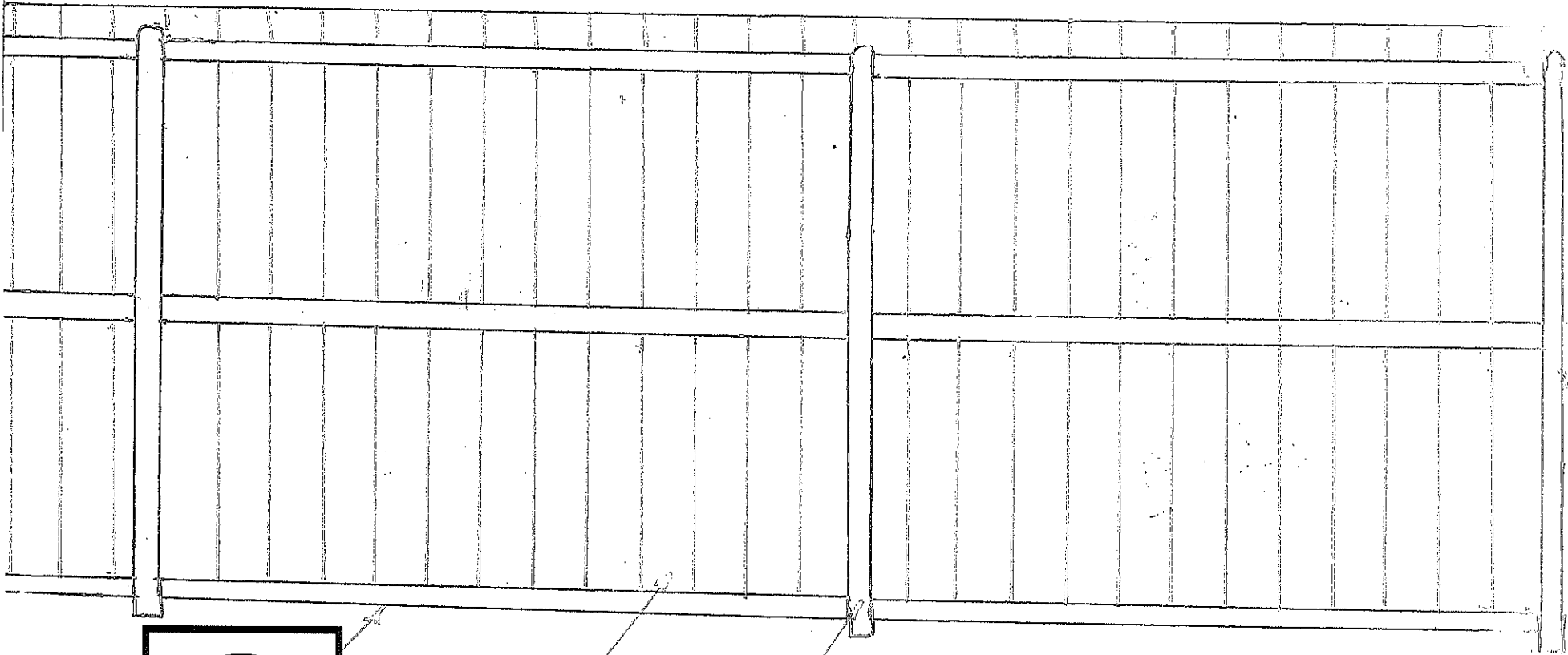
This Permit To Be Posted In Conspicuous Place On Site

COPY

COPY

INSIDE YARD VIEW 6' HIGH X 10' SECTIONS

10' HIGH X 2' 1/2" DEEP



5-7-19

6' FENCE 176 WITH
METAL POSTS 2 3/4
10' O.C.

DAVEK STEGER

FMS ENTERPRISES LTD

ORTIZ SUBCONTRACTORS CORNICE INC

SMITH NICHOLAS & TIFFANY

COPY

GATE

GATE

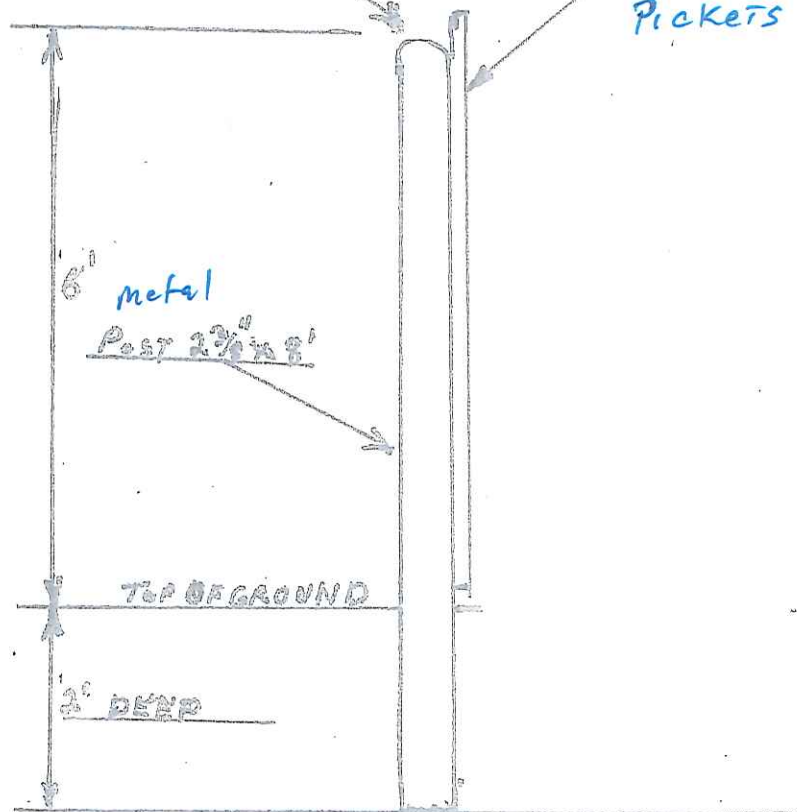
17' CIRCULAR DRIVE

3-13 CULVERTS

6499
B-2A

POST AND 2"x3" RUNNERS
INSIDE OF THE YARD

1X6 PICKETS FACE ROAD
Pickets Facing OUT



COPY

OWNERS CERTIFICATION

STATE OF TEXAS 1
COUNTY OF ELLIS 1

WHEREAS, HORIZON BUILDERS, INC., is the owner of a tract or parcel of land situated in Ellis County, Texas, and being part of the William C. Denton Survey, Abstract No. 295, and also being part of that 169 acre tract of land conveyed to R. E. L. Trees by deed recorded in Volume 229, Page 360 of the Deed Records of Ellis County, Texas, and being more particularly described as follows:

TRACT A

BEGINNING at a point for corner in the center of Westmoreland Road in the Westerly line of said Denton Survey, said point being the most Westerly Northwest corner of Westmoreland Acres, an addition in the City of Ovilla, as recorded in Volume 3, Page 85, now known as Cabinet A, Slide 552, of the Map Records of Ellis County, Texas, said point also being in a Northerly direction along the center line of Westmoreland Road, a distance of 841.9 feet from the Southwesterly corner of said 169 acre tract;

THENCE: N 0° 09' W, along the center of Westmoreland Road, a distance of 227.3 feet to a point for corner at an iron pipe found;

THENCE: N 89° 41' 20" E, a distance of 497.16 feet to a point for corner at an iron pipe found at the Northwesterly corner of Lot 1, Block 1, in said Westmoreland Acres;

THENCE: S 0° 19' 05" E, along the Westerly line of said Lot 1, Block 1, a distance of 227.3 feet to a point for corner at an iron rod set in the Northerly line of Cardinal Drive;

THENCE: S 89° 41' 20" W, along the Northerly line of Cardinal Drive, a distance of 497.85 feet to the PLACE OF BEGINNING and containing 2.19v acres of land.

TRACT B

BEGINNING at a point for corner in the center of Westmoreland Road, in the Westerly line of said Denton Survey, said point being the intersection of the center of Westmoreland Road and the Northerly line of Meadowlark Drive and also being in a Northerly direction along the center of Westmoreland Road, a distance of 207.3 feet from the Southwesterly corner of said 169 Acres;

THENCE: N 0° 09' W, along the center of Westmoreland Road, a distance of 454.6 feet to a point for corner;

THENCE: N 89° 41' 20" E, along the Southerly line of Cardinal Drive, a distance of 498.02 feet to a point for corner at an iron pipe found at the Northwesterly corner of Lot 10, Block 1, of Westmoreland Acres, an addition in the City of Ovilla, as recorded in Volume 3, Page 85, now known as Cabinet A, Slide 552 of the Map Records of Ellis County, Texas;

THENCE: S 0° 19' 05" E, along the Westerly line of Lots 10 and 19, Block 1, in said addition, a distance of 454.6 feet to a point for corner at an iron pipe found in the Northerly line of Meadowlark Drive;

THENCE: S 89° 41' 20" W, along the Northerly line of Meadowlark Drive a distance of 499.10 feet to the PLACE OF BEGINNING and containing 5.204 acres of land.

TRACT C

BEGINNING at a point for corner in the center of Westmoreland Road, said point being the Southwesterly corner of said 169 acre tract and the Southwesterly corner of said Denton Survey;

THENCE: N 0° 09' W, along the center of Westmoreland Road, a distance of 227.3 feet to a point for corner at the most Westerly Southwest corner of Westmoreland Acres, an addition in the City of Ovilla, as recorded in Volume 3, Page 85, now known as Cabinet A, Slide 552, of the Map Records of Ellis County, Texas;

THENCE: N 89° 41' 20" E, along the Southerly line of Meadowlark Drive, a distance of 499.54 feet to a point for corner at an iron pipe found at the Northwesterly corner of Lot 28, Block 1, in said addition;

THENCE: S 0° 19' 05" E, along the Westerly line of said Lot 28, Block 1, a distance of 227.3 feet to a point for corner at an iron pipe found in the Southerly line of said Denton Survey;

THENCE: S 89° 41' 20" W, along the Southerly line of said Denton Survey, a distance of 500.21 feet to the PLACE OF BEGINNING and containing 2.608 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

6499

THAT, HORIZON BUILDERS, INC., does hereby adopt this plat designating the herein described property as A PLAT OF BLOCK 2, WESTMORELAND ACRES PHASE II, an Addition in the City of Ovilla, Ellis County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements shown thereon. This plat approved subject to all ordinances, rules, regulations and resolutions of the City of Ovilla, Texas.

WITNESS my hand this the 7th day of June, 1983.

ATTEST:

HORIZON BUILDERS, INC.

Philip E. Belt
PHILIP E. BELT, President

STATE OF TEXAS 1
COUNTY OF Ellis 1

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared PHILIP E. BELT, known to me to be the person whose name is subscribed to the foregoing instrument as President of HORIZON BUILDERS, INC., and acknowledged to me that he executed the same for the purposes and considerations therein expressed and as the act and deed of said Corporation.

GIVEN under my hand and seal of office, this the 7th day of June, 1983.

Janice L. Holt
NOTARY PUBLIC in and for

SURVEYORS CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT I, J. L. LANE, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monument shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Ovilla, Texas.

J. L. Lane
J. L. LANE
REGISTERED PUBLIC SURVEYOR
No. 2549 - STATE OF TEXAS

STATE OF TEXAS 1
COUNTY OF DALLAS 1

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared J. L. LANE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this the 2nd day of May, 1983.

Katie Holt
NOTARY PUBLIC in and for Dallas
County, Texas
KATIE HOLT
Notary Public For State of Texas
Commission Expires May 5, 1984

PLAT OF BLOCK 2 WESTMORELAND ACRES PHASE II

CITY OF OVILLA, ELLIS COUNTY, TEXAS

BY

APPROVED AND RECORDED
5149 W 67 S E
MESQUITE, AS PH 92
150
COPY

SCALE 1" = 60'

MAY, 1983

1983 JUN - 9 PM 3:07
FILED FOR RECORD
STAN
DAVID WASHINGTON

6499
B-29



Fence Building Permit Checklist

DATE 5-16-19

OWNER STEGER-RMS Enterprises

ADDRESS 425 Meadowlark

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

Board of Adjustment Variance Required Yes No

Approved Denied Reason Fence constructed in front of Building Line.

DATE 5-16-19

NAME Miki O'Neil

Chapter 14
35.3

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)

**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.

DATE: 5-7-19

Case No. BOA 20189.10

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. 9 Property Address 625 MEADOWLARK

Block No. 2

Property Zoned WESTMORELAND PHASE II

OWNER OF PROPERTY D. S. of RMS ENT.

APPLICANT Charles Steyer

SPECIAL EXCEPTION fence up to property line.



Case No. B0A201819.10

The Applicant/Owner, RICHARD STEGER, of ELLIS 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.

<u>To construct a fence upon or up to the property</u> <u>Line.</u>

Has a previous appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



Case No. _____

BOA 2018/19.10

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.

Yes



Case No. BOA 2018 19. 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 CHARLES STEGER of 1731 SAINT ANDREWS, Ovilla Tx
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant/Owner Name CHARLES STEGER /

Mailing Address 1731 SAINT ANDREWS
Ovilla Tx 75154

Telephone (Hm) 469-767-2948

Telephone (Wk) _____

Email _____

Charles Steger 5-7-19
Applicant's signature Date

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: _____	



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

Applicant: CHARLES STEGER
Address: 625 MEADOWLARK DR.

Case Number: BOA201819.10

Upon giving public notice and conducting a public hearing on this ***SPECIAL EXCEPTION*** request in accordance with Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and		
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and		
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.		

BOA Members present, and upon a record vote of:

FOR AGAINST ABSTAIN

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

TOTALS:

— **FOR**
— **AGAINST**
— **ABSTAIN**

The special exception is hereby:

— **granted** — **denied**

Presiding Officer of BOA

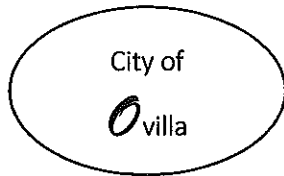
DATE

Attest:

City or Board Secretary

DATE

SPECIAL EXCEPTION BASED ON MUNICIPAL LAW AND PROCEDURE MANUAL



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

DISCUSSION & ACTION Meeting Date: June 06, 2019

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