

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.

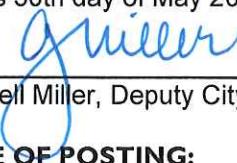
**ITEM 2.** **BOA201819.10 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Charles Steger for a residential special exception for a fence that is on or beyond the building line on his property at 625 Meadowlark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



Glennell 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 OVILLE 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.

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Chair Carol Richtsmeier

ATTEST:

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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:

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

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

**FOR      AGAINST      ABSTAIN**

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

**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**

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	AYR		
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

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**Presiding Officer of BOA**

Date

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## Board Secretary



## 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."**

# 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:	2019-0011		Valuation:	5,000		
Zoning:	Residential		Valuation w/land:			
Project Address:	100 High View Ct.					
Lot:	62	Block B	Subdivision:	Ovilla Oaks, First Section		
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:	Storage					
Description of Work:	Place a 10x20 storage building in backyard					
Area Square Feet:	Covered					
Living:	200	Garage:	Porch:	Total:	200	Number of stories: 1

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

General Contractor	Contact Person	Phone Number	Contractor License Number
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.

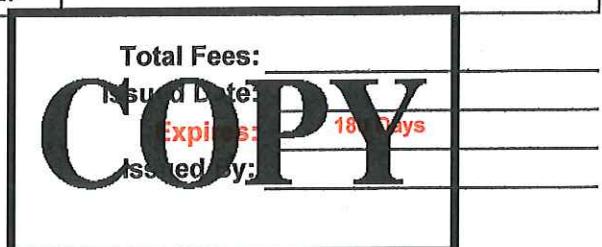
**\*\*NOTE \*\*** While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions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

Signature of Applicant: 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: \_\_\_\_\_



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
Project Address:	100 HIGH VIEW CT	Land:	
Lot:	Block:	Subdivision:	
<b>Project Description:</b>			
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		
<b>Area Square Feet:</b>			
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:**

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

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

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

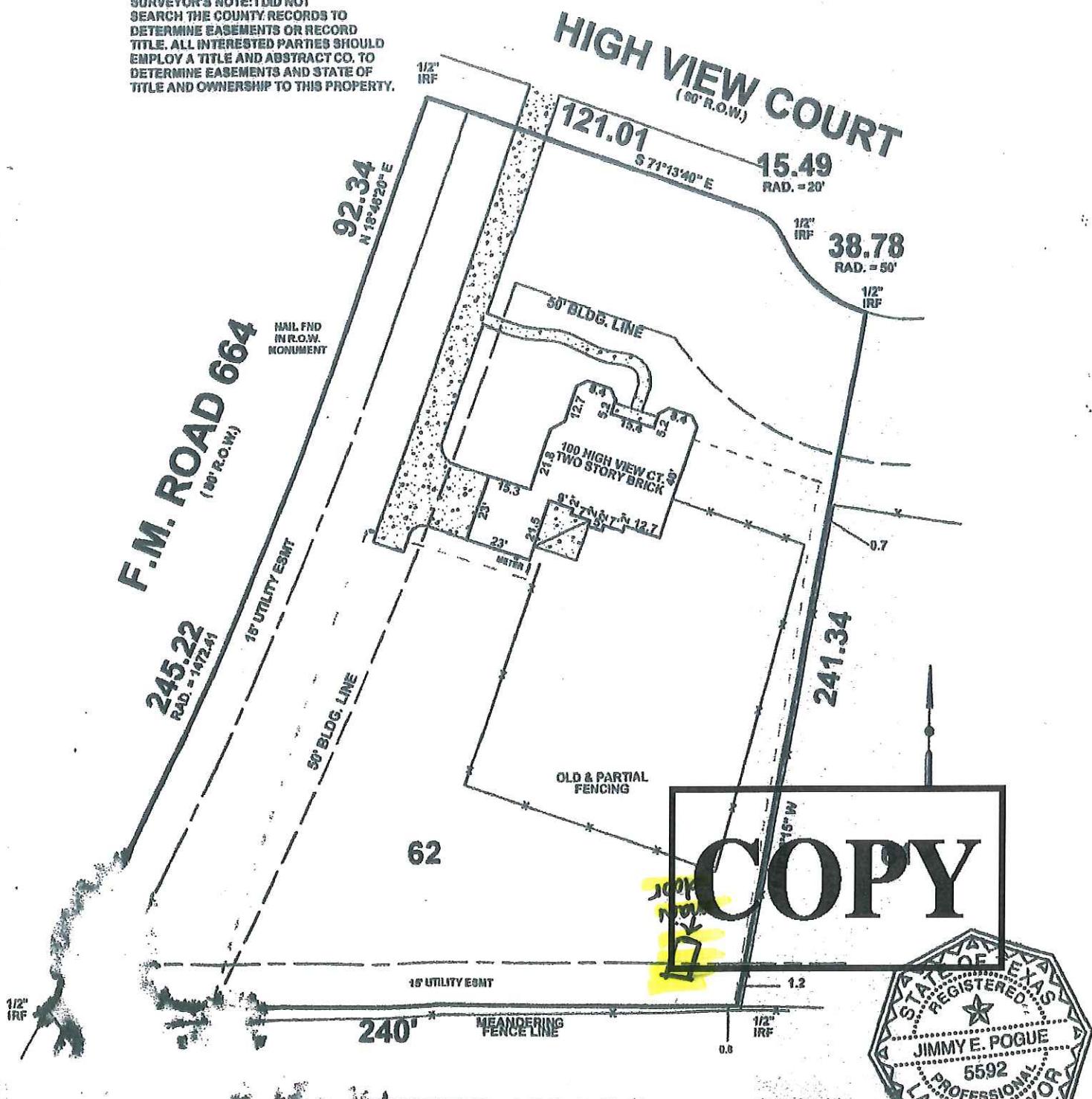
**COPY**

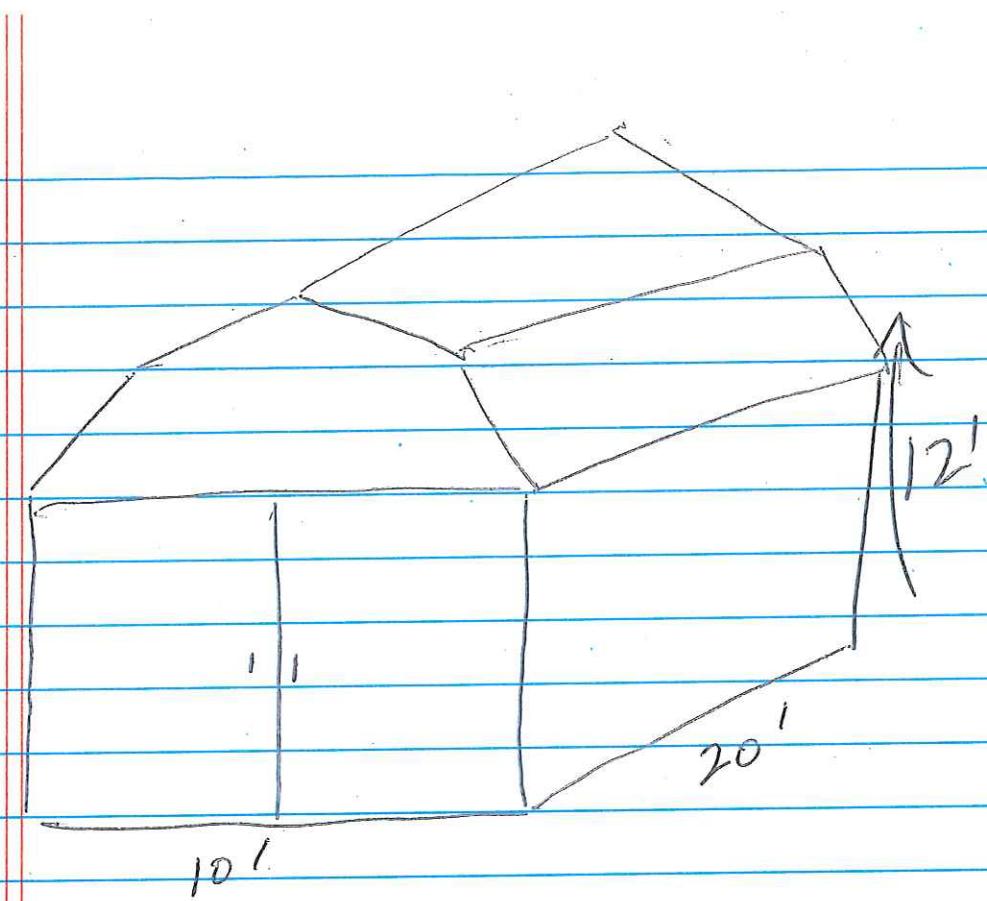
# STADIA LAND SURVEYING INC.

DATE: 01 / 15 / 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

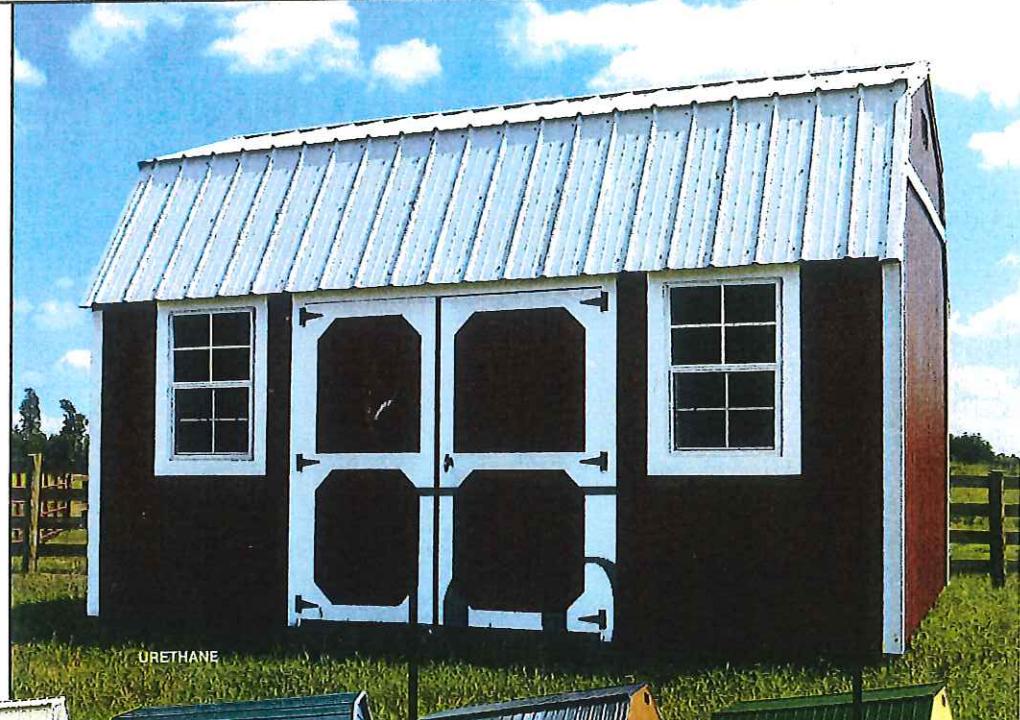


- The Lofted Barn comes standard with a loft in each end.
- 8' wide buildings come with a single shop built door. 10' and wider come standard with double shop built doors.



## 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.





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 Dev

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 shaded by Cedar trees and behind that a 6' fence. To the east another 6ft 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 fence 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 building. From the street, Hwy 190, 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 Highview 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 201B19.05

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 Dorn

Mailing Address

100 Highview Cr  
Ovilla TX 75154

Telephone (Hm)

972-345-7430

Telephone (Wk)

lhedoran@yahoo.com

Email

L D

Date

3-28-19

Applicant's signature

**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."**

# City of Ovilla

Flatwork \$0.00

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

## Residential Building Permit Application

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

Homeowner's name:	Juan Garcia		
Address:	625 Meadowlark Dr, TX 75154		
Phone Number:	Home Number	Mobile Number:	

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

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 Printed Name Date: 5-6-19

### OFFICE USE ONLY:

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

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

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 #	2019-0135	Valuation:	\$5,000.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	625 MEADOW LARK DR	Subdivision:	
Lot:	Block: 2		
<b>Project Description:</b>			
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		
<b>Area Square Feet:</b>			
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 VIEWS & HIGH-LO SECTIONS

*1/4" PICTURES 21" MEDIUM PLATE*

5-7-19

6' FENCE INC WITH  
METAL POSTS 2 1/2  
10' O.C.

CHUCK STEGGER

FMS ENTERPRISES LTD

ORTIZ SUBCONTRACTORS CORNICE INC. SMITH NICHOLAS & TIFFANY

COPIY

GATE

10' CLEAR DRIVE

GATE

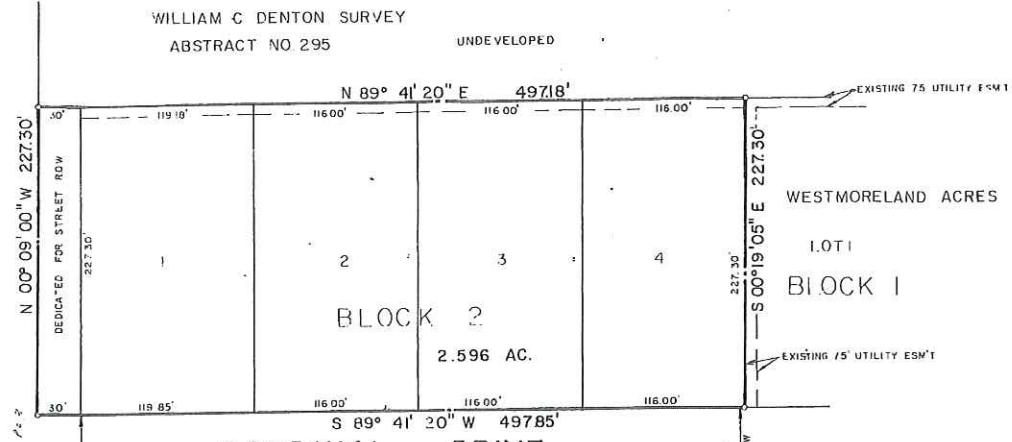
3-3 CULVERTS

6499  
b29

WILLIAM C DENTON SURVEY  
ABSTRACT NO 295

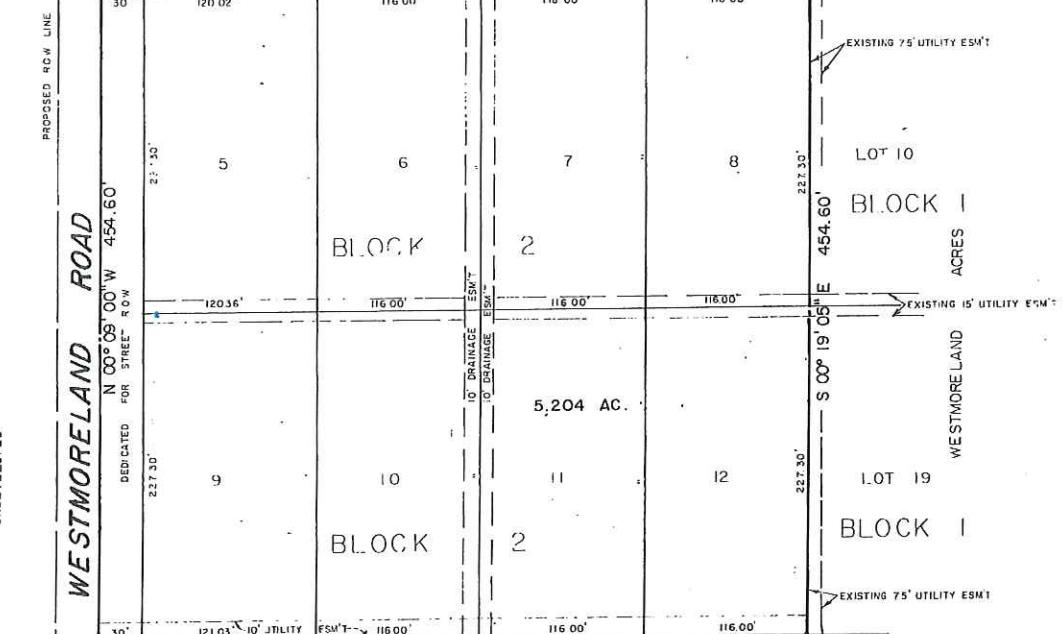
UNDEVELOPED

N 89° 41' 20" E 49718'



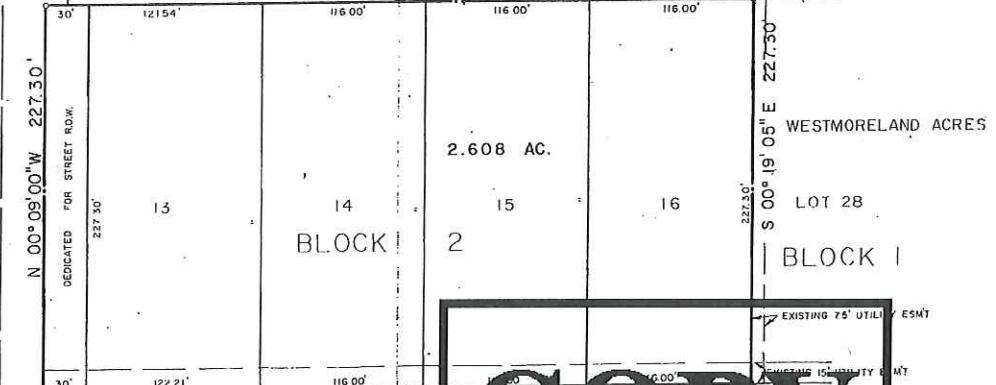
CARDINAL DRIVE

N 89° 41' 20" E 498.02'



MEADOWLARK DRIVE

N 89° 41' 20" E 499.54'



**COPY**

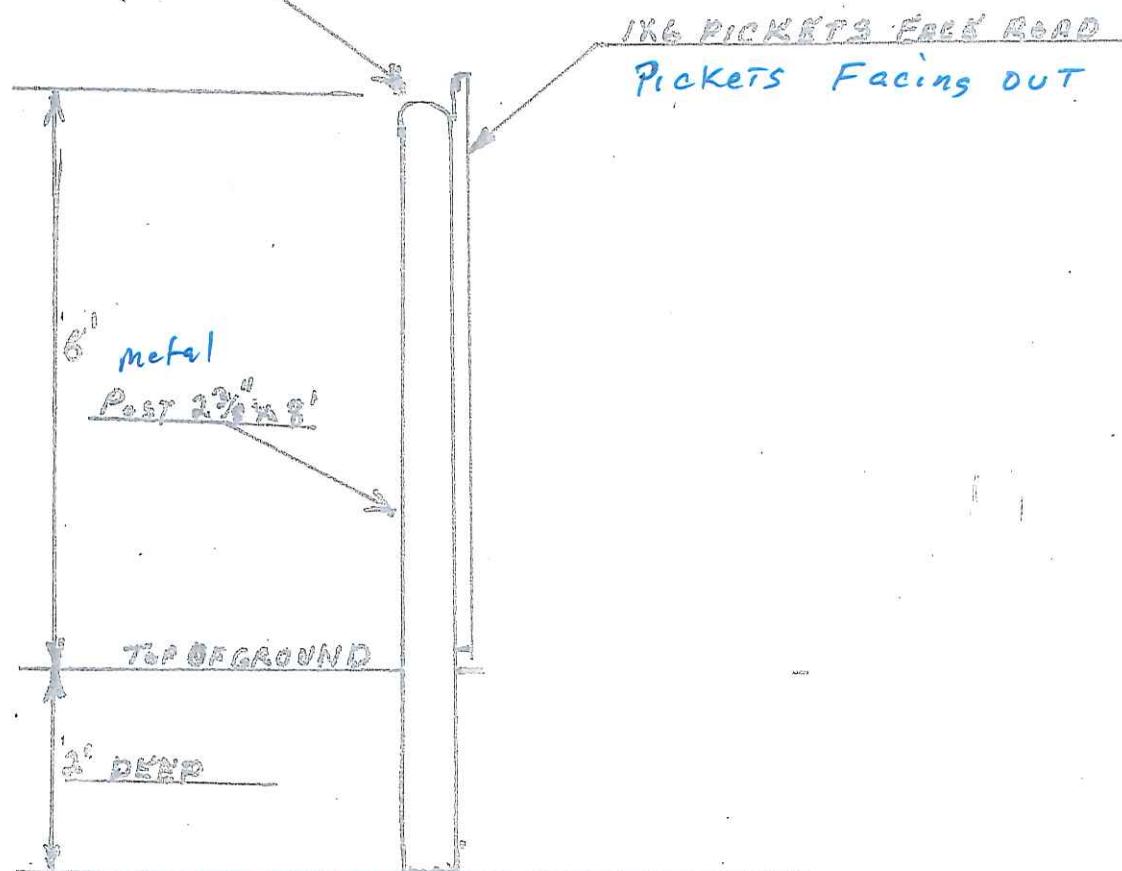
JOHN S PAHON SURVEY  
ABSTRACT NO. 841

3D ROW  
25' BL  
55

6499  
b29

Copy

POST AND 2" x 3" RUNNERS  
INSIDE OF THE YARD



116 PICKETS Face ROAD  
Pickets Facing OUT

## OWNERS CERTIFICATION

STATE OF TEXAS I  
COUNTY OF ELLIS I

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 219, Page 369 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 851.9 feet from the Southwesterly corner of said 169 acre tract;

THENCE: N 0° 09' W, along the center of Westmoreland Road, a distance of 237.3 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 not in the Northwesterly line of Cardinal Drive;

THENCE: S 89° 41' 20" E, along the Northerly line of Cardinal Drive, a distance of 497.85 feet to the PLACE OF BEGINNING and containing 2.194 acres of land.

## TRACT B

BEGINNING at a point for corner in the center of Westmoreland Road, in the Northerly 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 16 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" E, along the Northerly line of Meadowlark Drive, a distance of 499.36 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° 29' W, along the center of Westmoreland Road, a distance of 237.3 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" E, 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.

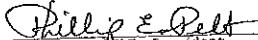
B679  
HOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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 16 day of June, 1983.

ATTEST:

HORIZON BUILDERS, INC.

  
PHILLIP E. PELT, President
STATE OF TEXAS I  
COUNTY OF ELLIS I

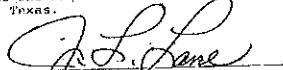
BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared PHILLIP E. PELT, known to me to be the person whose name is subscribed to the foregoing instrument as President of HORIZON BUILDERS, INC., and acknowledged to me that he executed the 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 16 day of June, 1983.
  
NOTARY PUBLIC in and for

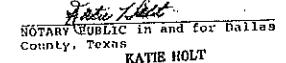
## SURVEYORS CERTIFICATION

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  
REGISTERED PUBLIC SURVEYOR  
NO. 2509 - STATE OF TEXAS
STATE OF TEXAS I  
COUNTY OF DALLAS I

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 23 day of May, 1983.
  
NOTARY PUBLIC in and for Dallas  
County, Texas  
KATHIE 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

ASSOCIATED ENGINEERS  
5149 W. 19th Street  
Mesquite, Texas 75149  
FEDERAL REGISTERED  
PACIFIC SURVEYORS  
REGISTRATION NO. 2509

COPY  
SCALE 1" = 60'  
MAY, 1983

6499  
B-29



## Fence Building Permit Checklist

DATE 5-16-19

OWNER Steger-RMS Enterprise

ADDRESS 625 Meadowlark

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

Board of Adjustment Variance Required  Yes  No

Approved  Denied Reason Fence constructed in front of Building Line.

DATE 5-16-19

NAME Niki Dow

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

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### 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 2018P.10

## REQUEST FOR A SPECIAL EXCEPTION

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 WESTMONROEVILLE PHASE II

OWNER OF PROPERTY

Dal Ss or RMS Ent.

APPLICANT

Charles Steger

SPECIAL EXCEPTION

fence up to property line.



Case No. BOA 201819.10

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.

To construct a fence upon or up to the property line.

Has a previous appeal been filed on this property?

YES / NO

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



Case No. BOA 201819.10

## 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*



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

Applicant's signature

5-7-19

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

# 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