

Chair Carol Richtsmeier, PL1
Cedric Goree, 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

MEETING AGENDA

Board of Adjustment
105 S. Cockrell Hill Road, Ovilla, Texas 75154
July 15, 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 Monday, July 15, 2019 at 7:00 P.M. at 105 S. Cockrell Hill Road, Ovilla, Texas, 75154 for the purpose of considering the listed item(s). The Board of Adjustment of the City of Ovilla, Texas, reserves the right to meet in a closed session pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations).

Call to Order

♦ Pledge of Allegiance

Comments, Presentations, Reports and/or Appointments

Oath of Office presented for new member of the Board of Adjustment Cedric Goree, PL2 and Incumbent members Carol Richtsmeier, PL1, Richard Ware, PL5 & Mark Clark, PL7

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. **DISCUSSION/ACTION – Consider nominations and appointment of Chair to the Board of Adjustment.**

ITEM 2. **DISCUSSION/ACTION - Consider nominations and appointment of Vice Chair to the Board of Adjustment.**

ITEM 3. **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 4. **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.

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

ITEM 5. **BOA201819.11 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 39.6 NONCONFORMING BUILDINGS AND STRUCTURES filed by Craig & Gayle Pruett for a residential variance to reconstruct home destroyed by fire on their property at 715 Buckboard St.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Craig and Gayle Pruett.

ITEM 6. **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 **July 15, 2019 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 12th day of July 2019, prior to 6:00 p.m.

Glennell Miller
Glennell Miller, Deputy City Secretary

DATE OF POSTING: July 11, 2019 **TIME:** 3:30 **am/pm**
DATE TAKEN DOWN: _____ **TIME:** _____ **am/pm**



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 July 15, 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 FOR
0 AGAINST
0 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			
OWZIE 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

Presiding Officer of BOA

Date

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: July 15, 2019

Attachments:

1. Refer to the attached pages 14A-121 of the Ovilla Code of Ordinance Book.

Agenda Item / Topic:

ITEM 1. DISCUSSION/ACTION – Consider nominations and appointment of Chair to the Board of Adjustment.

Discussion / Justification:

Chapter 14, Section 45.2 & 45.4 of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice-chair. The chair and vice-chair will serve for a term of one year or until Successor is appointed.

Sample Motion(s):

"I NOMINATE _____ TO SERVE AS CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."

1. _____

2. _____

ANY OTHER NOMINATIONS?

"I MAKE THE MOTION THAT THE BOARD APPOINTS _____ AS CHAIR OF THE OVILLA ZONING BOARD OF ADJUSTMENT."

CHAPTER 14

ZONING

45.2 TERMS OF OFFICE

A. Terms. Each member shall serve a term of office of two years. After the expiration of a two-year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the third Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the third Monday in June of each even-numbered year. (Ordinance 2018-15 adopted 8/13/18)

45.4 OFFICERS

A. Duties. Duties of the officers shall be as follows:

1. The chair shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
2. The vice-chair shall assist the chair in directing the affairs of the Board and act in the absence of the chair.

B. Term. Officers will serve for a term of one year or until a successor is appointed.

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION Meeting Date: July 15, 2019

Attachments:

- I. Refer to the attached pages 14A-121 of the Ovilla Code of Ordinance Book.

Agenda Item / Topic:

ITEM 2. DISCUSSION/ACTION – Consider nominations and appointment of Vice Chair to the Board of Adjustment.

Discussion / Justification:

Chapter 14, Section 45.2 & 45.4 of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice-chair. The chair and vice-chair will serve for a term of one year or until Successor is appointed.

Sample Motion(s):

"I NOMINATE _____ TO SERVE AS VICE CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."

1. _____

2. _____

ANY OTHER NOMINATIONS?

"I MAKE THE MOTION THAT THE BOARD APPOINTS _____ AS VICE CHAIR OF THE OVILLA ZONING BOARD OF ADJUSTMENT."

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

DISCUSSION & ACTION
Meeting Date: July 15, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 3. **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

105 S. Cockrell Hill Rd.

Fax: (972) 515-3221

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:	<input type="checkbox"/>
	PLUMBING/ELECTRICAL	<input type="checkbox"/>	FLATWORK	<input type="checkbox"/>	SPRINKLER	<input type="checkbox"/>
	SWIMMING POOL	<input type="checkbox"/>	ACCESSORY BUILDING	<input checked="" type="checkbox"/>	FENCE	<input type="checkbox"/>
Proposed Use:	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:	972-345-7438	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.

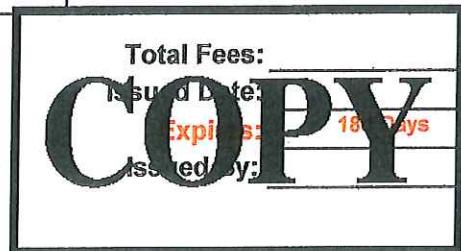
Signature of Applicant: Larry Doran Date: 3-14-19

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: _____

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 #	2019-0071	Valuation:	\$5,000.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	100 HIGH VIEW CT	Subdivision:	
Lot:	Block:		
Project Description:			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building	Yes	
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence		
Other	Specify Other:		
Proposed Use:	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

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

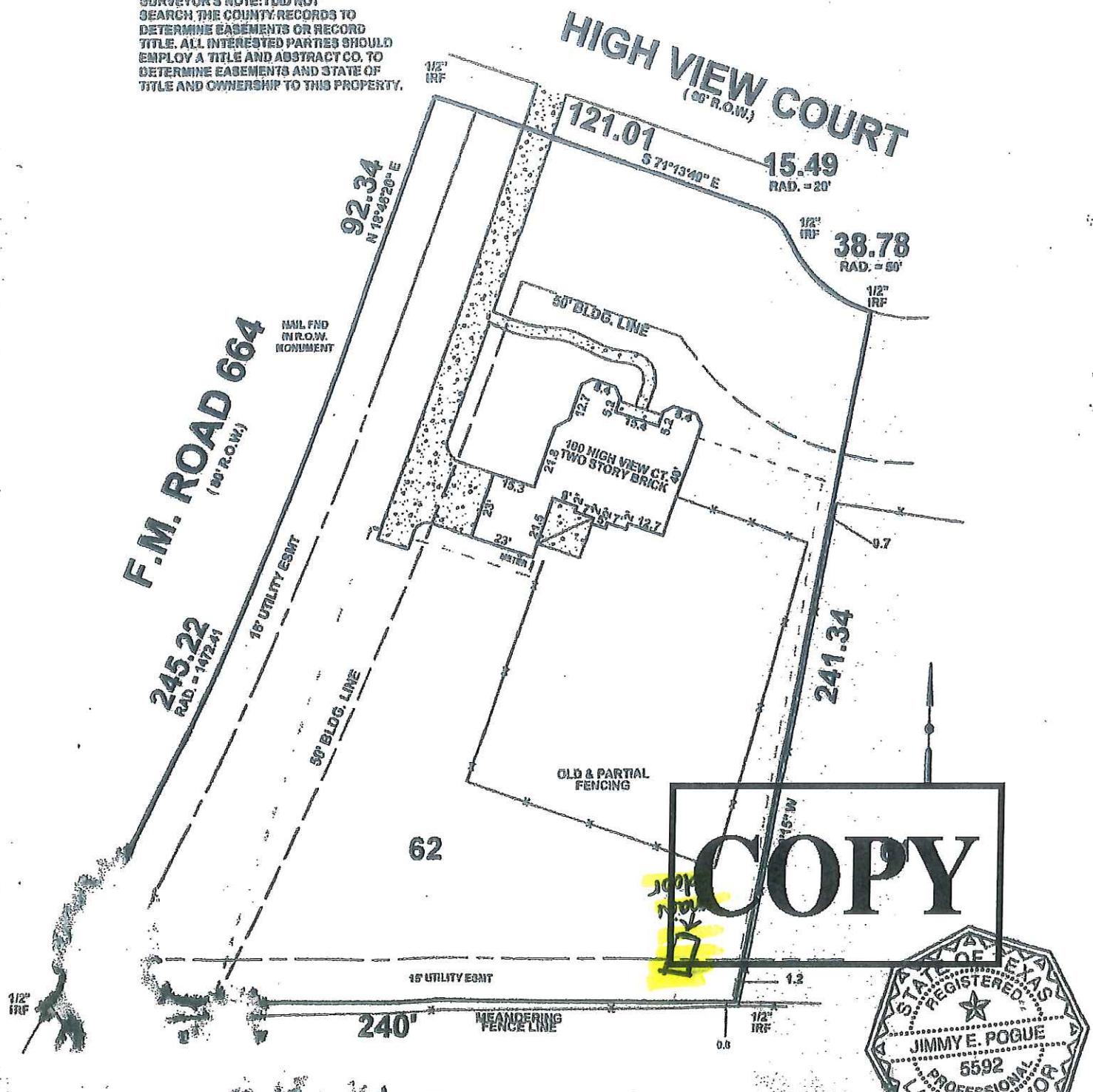
COPY

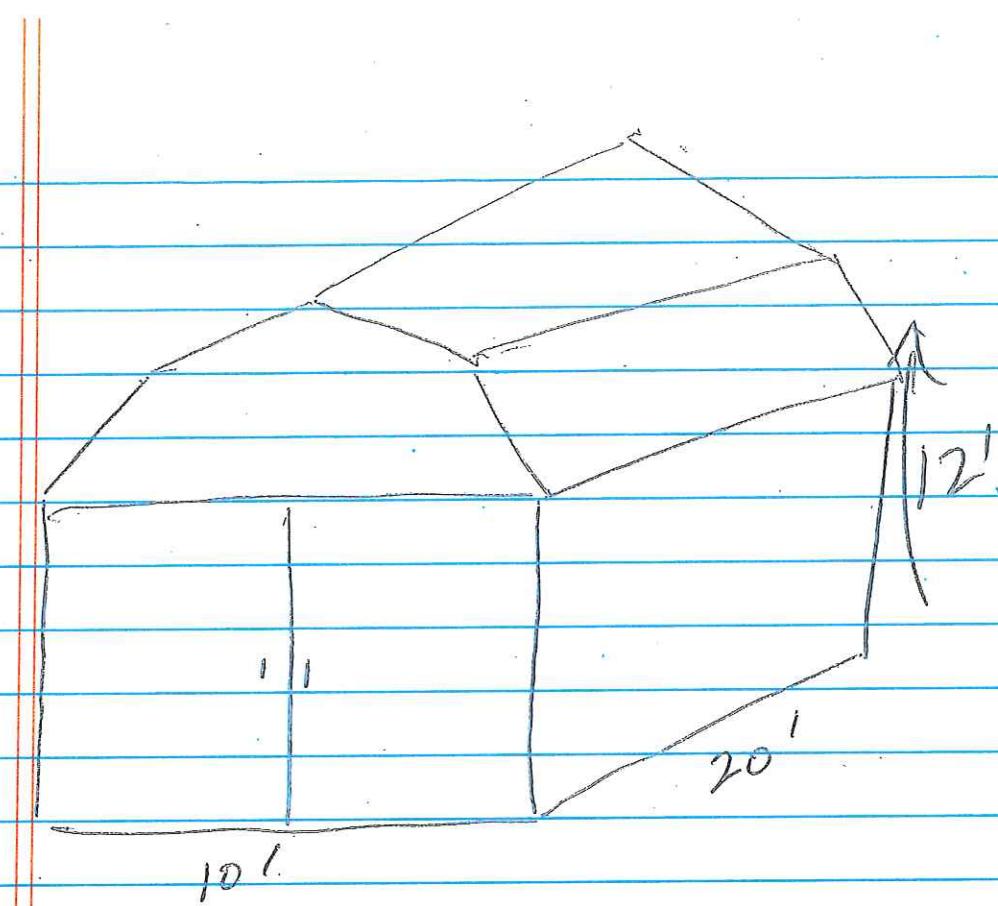
STADIA LAND SURVEYING INC.

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

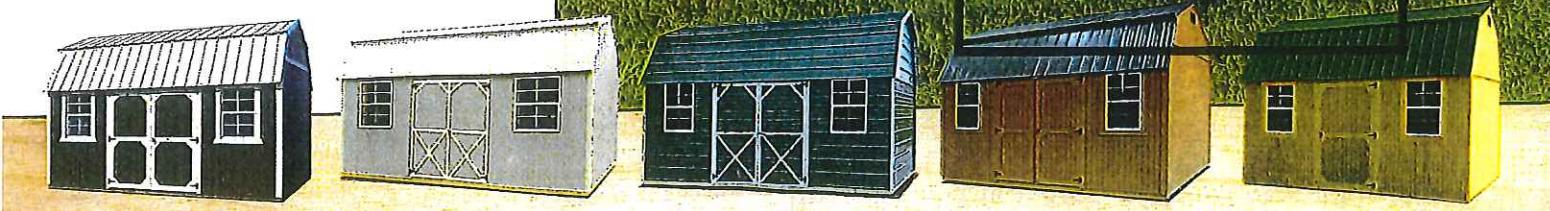
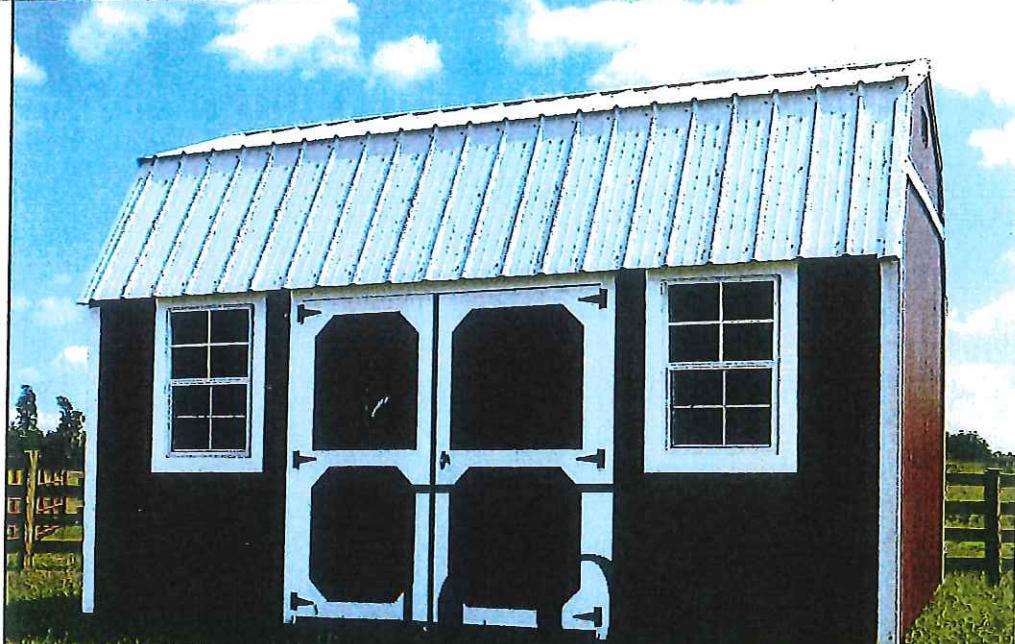


- The Lofted Barn comes standard with a loft in each end.
- 8' wide buildings come with a single shop built door. 10' and wider come standard with double shop built doors.



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 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. There are 15-18 healthy Cedar trees and behind that a 6' fence. To the east under 6ft fence and cluster of trees is the intersection of 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, Highway 19, 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 from 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.
re. 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 Duran, 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? Feb 2018



o 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 Highview Cr
Ovilla TX 75754

Telephone (Hm)

972-345-7430

Telephone (Wk)

lhdoran@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			
OWZIE MOLINA			
STEPHANIE HEIMBUCH			
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)			

TOTALS:

FOR
 AGAINST
 ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 4

DISCUSSION & ACTION
Meeting Date: July 15, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 4. **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

Phone: (972) 617-7262
Fax: (972) 515-3221105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:

2019.0135

Valuation: 5,000

Zoning:

Project Address:

625 Meadowlark Dr

Valuation w/land:

TX 75154

Lot: 9

Subdivision: 2

Westmoreland Ac.

Project Description: NEW SFR

SFR REMODEL/ADDITION

SPECIFY OTHER:

PLUMBING/ELECTRICAL

FLATWORK

SWIMMING POOL

ACCESSORY BUILDING



SPRINKLER

Proposed Use:

6ft wood fence

FENCE

Description of Work:

Area Square Feet:

Living:

Covered

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 overning 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 ancel the provisions of any other state or local law regulating construction or the performance of construction.

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

Signature of Applicant:

Date:

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 Day
Issued By:

COPY

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		
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, OVILLE, 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

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: Mike Dooly

Fire Meter: \$0.00

BV Project #

Water Meter Cost: \$0.00

Water Impact: \$0.00

Sewer Connection Fee: \$0.00

Sewer Impact: \$0.00

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: _____

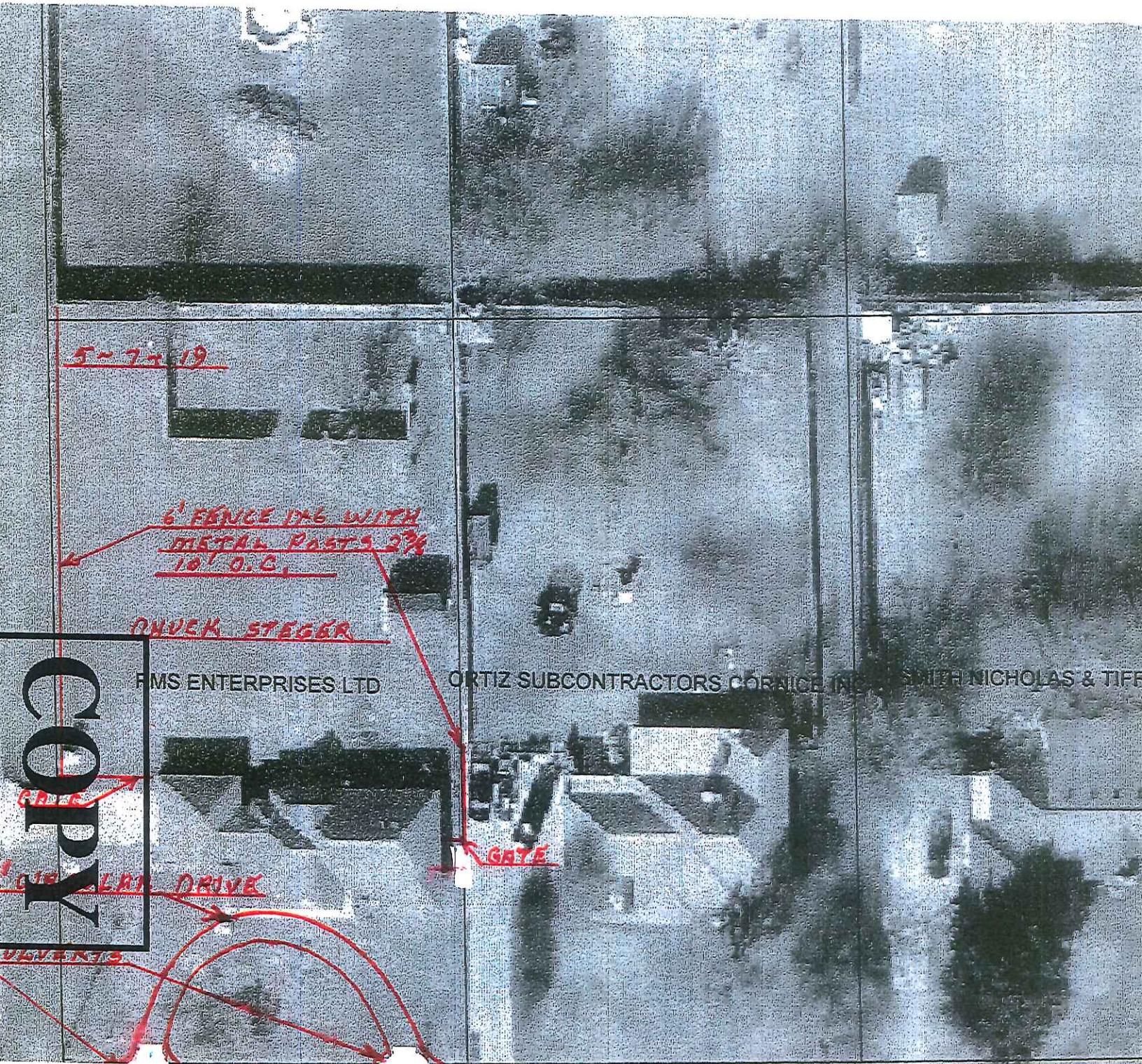
This Permit To Be Posted In Conspicuous Place On Site

COPY

COPY

1/4" PITCH X 2 1/2" DEPTH P.D.
1/4" PITCH X 1/2" DEPTH P.D.

YARD VIEW (1/4" PITCH X 1/2" DEPTH P.D.)

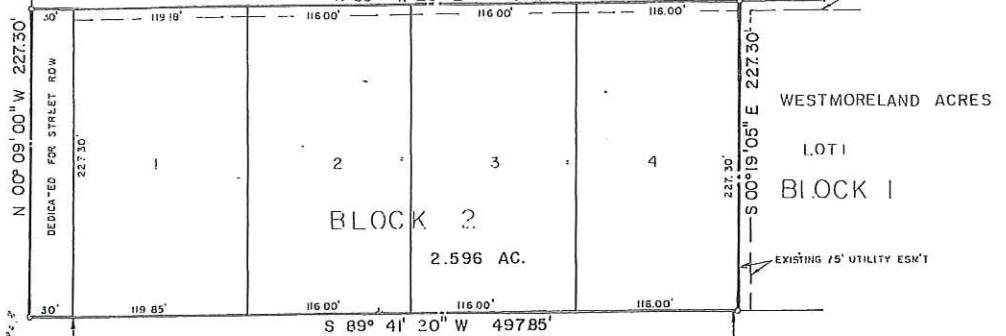


6499
B29

WILLIAM C DENTON SURVEY
ABSTRACT NO. 295

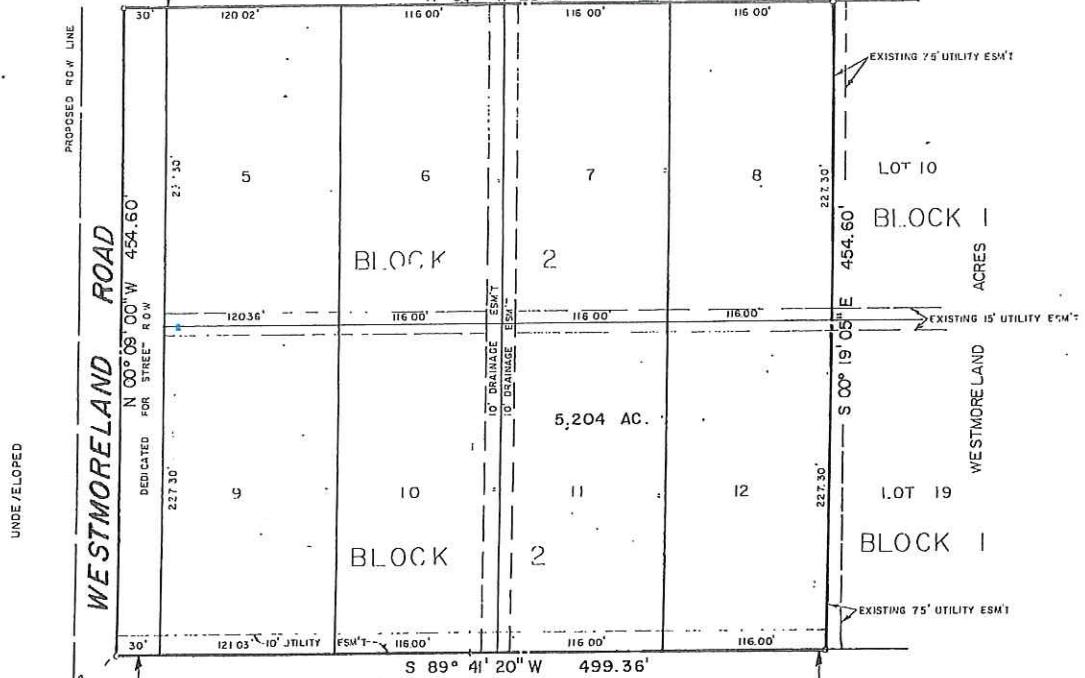
UNDEVELOPED

N 89° 41' 20" E 497.18'



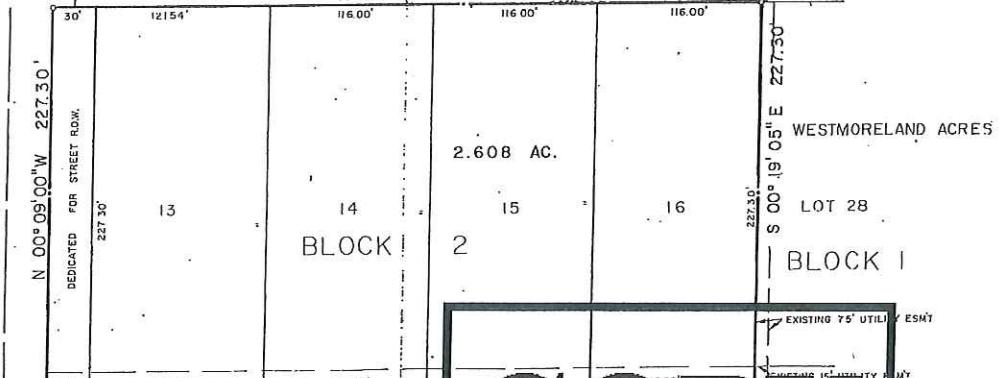
CARDINAL DRIVE

N 89° 41' 20" E 498.02'



MEADOWLARK DRIVE

N 89° 41' 20" E 499.54'



30' ROW
25' BL
55

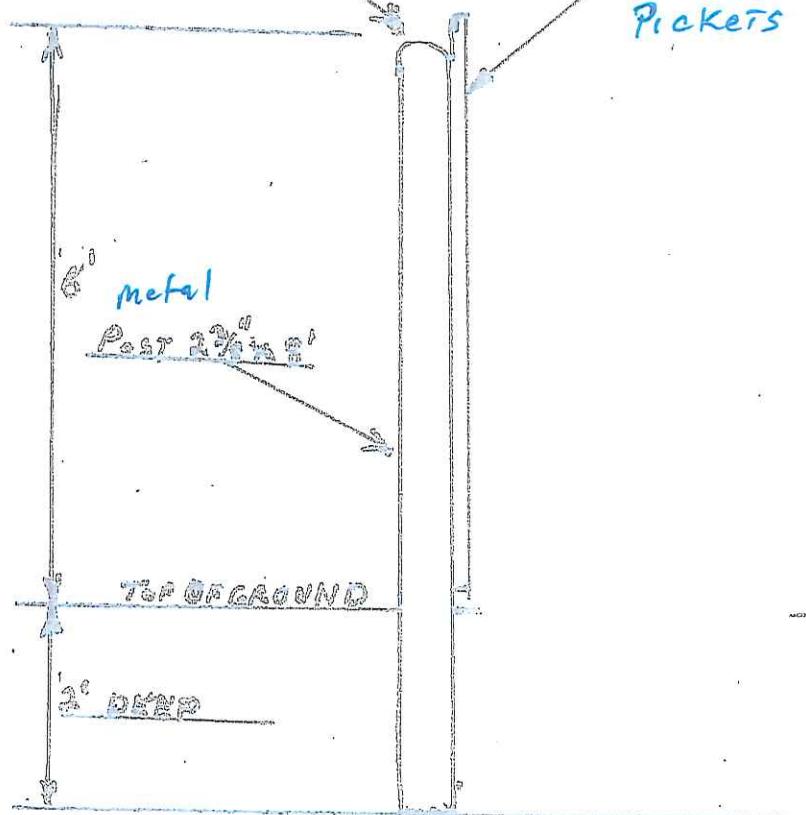
JOHN S PAHON SURVEY
ABSTRACT NO. 841

COPY

6499
B29

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

116 PICKETS EACH END
PICKETS Facing OUT



COPY



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	<input checked="" type="checkbox"/> 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 Dow

Chapter 14

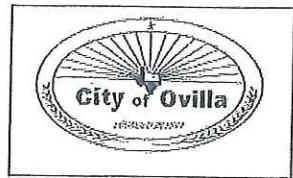
35.3

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

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 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 Dale S. or RMS Ent.

APPLICANT Charles Steger

SPECIAL EXCEPTION fence up to property line.



Case No. Boa201819.1D

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? _____



CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXCEPTION

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. 1D

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 STEGNER of 1731 Smart 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 Stegner /

Mailing Address 1731 Smart Andrews
Ovilla Tx 78154

Telephone (Hm) 469-767-2948

Telephone (Wk) _____

Email _____

Charles Stegner

Applicant's signature

8-7-19

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:

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 5

DISCUSSION & ACTION
Meeting Date: July 15, 2019

Attachments:

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

Agenda Item / Topic:

ITEM 5. **BOA201819.11 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 39.6 **NONCONFORMING BUILDINGS AND STRUCTURES** filed by Craig & Gayle Pruett for a residential variance to reconstruct their home that was destroyed by fire on their property at 715 Buckboard St.

Discussion / Justification:

APPLICANT: Craig & Gayle Pruett

LOCATION: 715 Buckboard St.

ZONING: RE Residential

Applicant's Proposal: Applicant requests to rebuild their home that was destroyed by fire.

Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 39.6, NONCONFORMING BUILDINGS AND STRUCTURES, states:

A. No Enlargement: B. Destruction

If a lawful building exists at the effective date of adoption or amendment, as applicable, of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. **No Enlargement.** A nonconforming building may not be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with city building codes.

B. **Destruction.** Should a nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except

in conformity with the provisions of this ordinance, or when approved by the Zoning Board of Adjustment, after public hearing thereon. In the event that the Zoning Board of Adjustment conducts a hearing pursuant to this section, the Board must give due consideration of the property rights of persons affected, in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.

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; 11 certified letters mailed. There has been no response.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO CRAIG & GAYLE PRUETT TO RECONSTRUCT THEIR HOME THAT WAS DESTROYED BY FIRE AT 715 BUCKBOARD ST. AS PRESENTED IN BOA201819.11."



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 #	2019-0194	Valuation:	\$0.00
Zoning:		Valuation w/	\$0.00
Project Address:	715 BUCKBOARD ST	Land:	
Lot:	Block:	Subdivision:	
<u>Project Description:</u>			
New SFR		Flatwork	
Plumbing/Electrical		Accessory Building	
Swimming Pool		Sprinkler	
SFR Remodel/Addition		Fence	
Other		Specify Other:	
Proposed Use:			
Description of Work:			
<u>Area Square Feet:</u>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

Homeowner Details

Name: CRAIG O & GAYLE L PRUETT
Address: 715 BUCKBOARD ST, OVILLE, TX 75154
Phone # Email:

Applicant Details

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

**APPROVED/DENIED
SPECIAL EXCEPTION/VARIANCE**
BOA CASE #: _____
DATE: _____

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:		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: Mike Dooly

Fire Meter: \$0.00

BV Project #

Water Meter Cost: \$0.00

Water Impact: \$0.00

Sewer Connection Fee: \$0.00

Sewer Impact: \$0.00



Building Permit

City of Ovilla

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

Permit No. 2019-0194

Location: 715 BUCKBOARD ST

Description:

Owner: CRAIG O & GAYLE L PRUETT

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



PRECISE LAND SURVEYING, INC.
DALLAS FORT WORTH
972-681-7072 PH. 817-461-0522
972-279-1508 FX. 817-496-3418
5 EASTOVER DR. MESQUITE, TX 75149

found 1/2" iron rod bears
N 14° 37' 46" W 0.62'

wood fence = wood fence m found 5/8th
N 01° 03' 49" W 135.12" iron rod

LOT 7

329 391

313.071

LOT 9

5' X 100' POWER-
\$ TELEPHONE
SERVICE EASEMENT
(per plat)

953.10' TO
SILVER SPUR LANE
(per plat)

found 5/8" found 5/8" found 5/8" found 5/8" EASEMENT meter (per plat) water meter
 iron rod iron rod iron rod iron rod utility pole OHE-82-9018 L = 57.86'
 136.00" 269.00" 183.00" OHE-82-9018 R = 50.00"

NOTES:

CM = CONTROLLING MONUMENT.

THIS SURVEY IS NOT AFFECTED BY THE FOLLOWING:

(10c)-EASEMENT, VOL. 332, PG. 432, D.R.E.C.T.

(10c)-EASEMENT, VOL. 583, PG. 122, D.R.E.C.T.
(10d)-EASEMENT, VOL. 584, PG. 957, D.R.E.C.T.

(0e)-EASEMENT, VOL. 560, PG. 931, D.R.E.C.T.

100% EASEMENT, VOL. 344, PG. 433, D.R.E.C.T.

BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED BELOW.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 715 BUCKBOARD TRAIL, and BEING LOT 8, BLOCK E, OF WESTMORELAND ROAD ESTATES NO. 3, AN ADDITION OF THE CITY OF OLVILLE, ELLIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET A, SLIDE 723, PLAT RECORDS OF ELLIS COUNTY, TEXAS.

There are no visible conflicts or protrusions, except as shown.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48139C0080 D, dated JANUARY 20, 1999. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the herein named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under the GF number shown herein, provided by the title company named herein and that on this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted herein. This survey is subject to any and all covenants and restrictions of record pertaining to the recorded plat.

DATE:



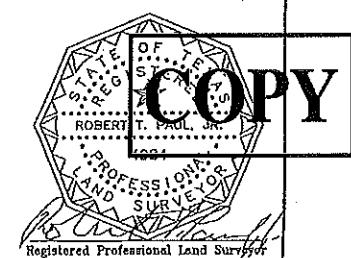
ACCEPTED BY:

DATE: 10/01/10
FIELD DATE: 09/28/10
REVISED:

TECH: SP FIELD: TT
JOB NO: 110-3234



GF NO. 781-18060
MAPSCO NO: 980-A
UNIVERSAL LAND TITLE





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 20181911*

COPY

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.

YES. HOUSE DESTROYED ON 12/24/18 DUE TO FIRE.

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.

YES

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

YES- FIRE WAS NOT INTENTIONAL.

Condition 4: The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

YES previous property was 1790 SQ FT.

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.

COPY



YES, PREVIOUS AND NEW CONSTRUCTION ARE Comparable
to existing properties in neighborhood.

Condition 6: Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

NEW CONSTRUCTION WILL BE USED AS PRIMARY Residence.

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.

COPY



Case No. BOA201819.11

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. 8

Property Address 715 Buckboard St

Block No. E

Ovilla Tx 75154

Zoning _____

The Applicant, Gayle Pruitt or Craig Pruitt, 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.

Previous property was destroyed by FIRE on 12/24/18. Home was 1290 SQ FT. New structure will be 1837 SQ FT. Requesting variance to replace previous home and will be comparable to surrounding neighbors of same size, and not being required to build structure of 2400 SQ FT. New property will be built by Tilson Custom Home Builder.

Contact Mike Dooly for potential questions regarding variance

Has a previously appeal been filed on this property?

YES NO

COPY

If YES, when was the previous appeal filed? _____



o Case No. BOA 201819.11

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 Gayle Pruett of 715 Buckboard St.
(Applicant's agent) (Address)

469-766-1422, to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

Applicant's Name Gayle Pruett
Mailing Address 715 Buckboard St
Ovilla TX 75154
Telephone (Hm) 469-766-1422
Telephone (Wk) 214-777-5430
Email gpruett105@att.net

Gayle Pruett
Applicant's signature

5/24/19
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

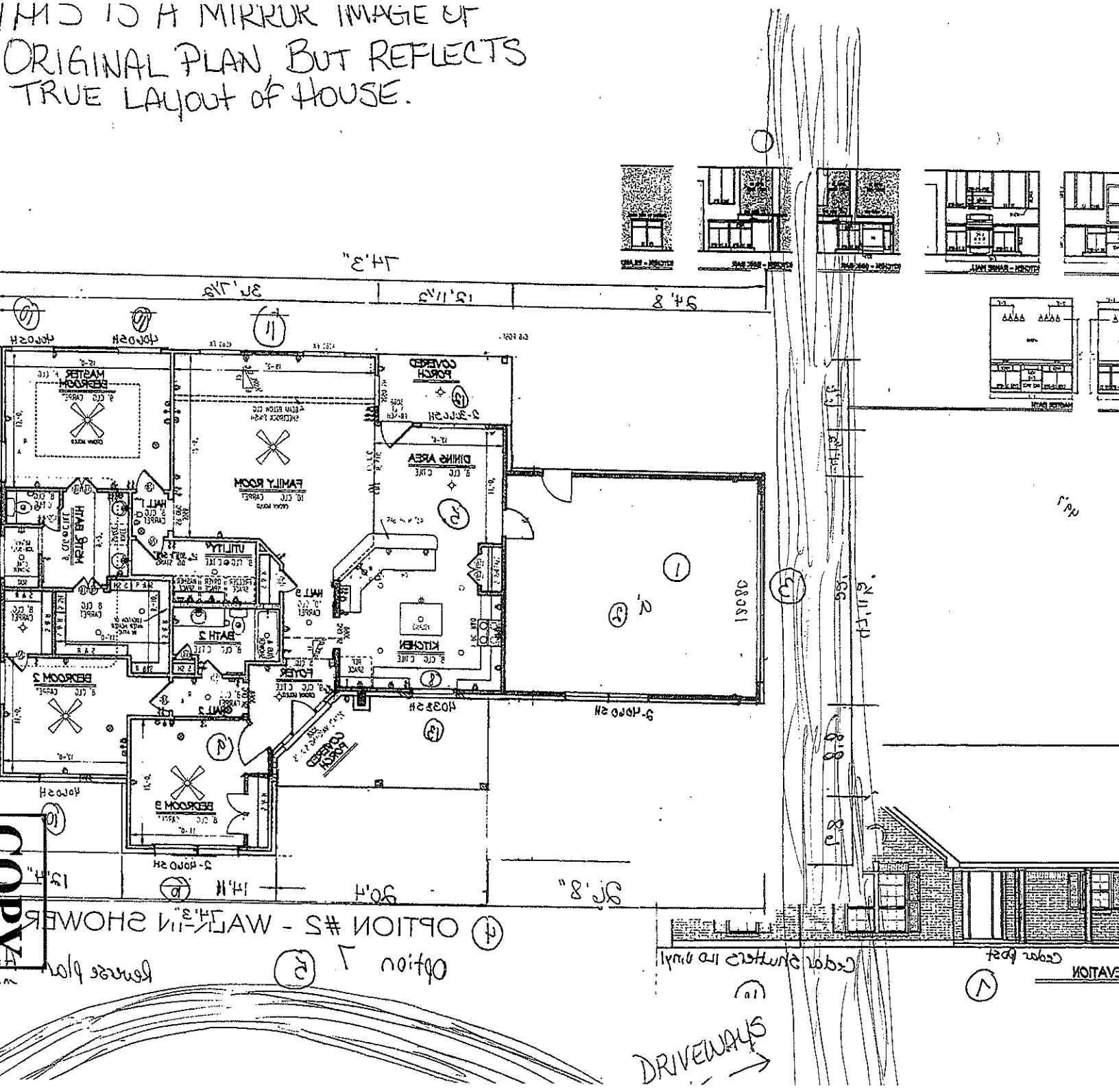
COPY

BOA 201819.11



COPY

THIS IS A MIRROR IMAGE OF
ORIGINAL PLAN, BUT REFLECTS
TRUE LAYOUT OF HOUSE.





City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: CRAIG & GAYLE PRUETT
Address: 715 BUCKBOARD ST.

Case Number: BOA201819.11

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 39.6 NONCONFORMING BUILDINGS AND STRUCTURES of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

BOA Members present, and upon a record vote of:

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

TOTALS:

FOR
AGAINST
ABSTAIN

The variance is hereby: granted denied

Presiding Officer of BOA

Date

Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 6

DISCUSSION & ACTION Meeting Date: July 15, 2019

Attachments:

None

Agenda Item / Topic:

ITEM 6. 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