

## AGENDA

Board of Adjustment Meeting  
Ovilla City Hall Chamber Room  
105 S. Cockrell Hill Road, Ovilla, Texas 75154  
JANUARY 21, 2020

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a **Regular Meeting** of the Board of Adjustment to be held on **Tuesday, January 21, 2020 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

*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. BOA2020.01 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Reginald Savage for a residential variance for an accessory building with door(s) facing the front of the property located at 7051 Judy Drive.

**DISCUSSION/ACTION – Consideration of requested Variance** filed by Reginald Savage.

**ITEM 2. BOA2020.02 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6, Table 30A NUMBER AND SIZE OF ACCESSORY BUILDINGS filed by Eliot Vancil for a residential variance to build an accessory building over the allowed square feet on his property located at 105 Dusty Oak Trail.

**DISCUSSION/ACTION – Consideration of requested Variance** filed by Eliot Vancil.

**ITEM 3. BOA2020.03 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Eliot Vancil for a residential variance for an accessory building being built in front of the main dwelling on his property located at 105 Dusty Oak Trail.

**DISCUSSION/ACTION – Consideration of requested Variance** filed by Eliot Vancil.

**ITEM 4. 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 **January 21, 2020 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 17th day of January 2020, prior to 6:00 p.m.

  
G. Miller  
City Secretary

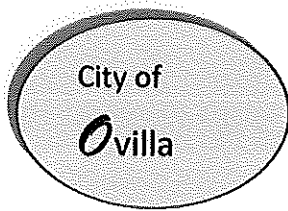
DATE OF POSTING:  
DATE TAKEN DOWN:

JAN. 17, 2020

TIME: 11:00 am/pm  
TIME: \_\_\_\_\_ am/pm



IF YOU OR YOUR REPRESENTATIVE HAS A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CONTACT THE CITY SECRETARY AT 972-617-2362 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. PLEASE SILENCE ALL CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 1

### DISCUSSION & ACTION

Meeting Date: January 21, 2020

Attachments:	
1.	Permit Application
2.	Variance Application with attachments
3.	Findings of Fact
Agenda Item / Topic:	
ITEM 1.	<b>BOA2020.01 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 <b>PLACEMENT</b> filed by Reginald Savage for a residential variance for an accessory building with door(s) facing the front of the property located at 7051 Judy Drive.
Discussion / Justification:	
<b>APPLICANT:</b>	Reginald Savage
<b>LOCATION:</b>	7051 Judy Drive
<b>ZONING:</b>	R15 Residential
<b>Applicant's Proposal:</b> <i>Applicant requests to place building with the doors facing front of property.</i>	
<b>Discussion:</b> The Ovilla Code of Ordinances, Chapter 14, Section 30.3, <b>PLACEMENT</b> , states: C. <u>Angles</u> . The main opening or door of the residential accessory building must face at a ninety (90°) degree or one hundred and eighty (180°) degree angle from the front of the main building; provided however, that barn doors may face forward if [if] the barn is a minimum of two hundred (200') feet off the front lot line.	
<b>BOARD DISCUSSION:</b> The Board is allowed to grant a Variance under certain circumstances & after review of the <b>Findings of Fact</b> form.	
<b>NOTICES:</b> One public notice listed in the the Waxahachie Daily Light; 13 certified letters mailed. There have been no responses.	
N/A	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT THE BOA GRANTS &amp; APPROVES/DENIES THE VARIANCE TO REGINALD SAVAGE TO CONSTRUCT AN ACCESSORY BUILDING WITH FRONT FACING DOOR(S) ON HIS PROPERTY AT 7051 JUDY DRIVE AS PRESENTED IN BOA2020.01."</b>	

## Residential Building Permit Application

Building Permit Number:	Valuation:	15,000
Zoning:	Valuation w/land:	
Project Address:	7051 JUDY DRIVE	
Lot:	Subdivision:	
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"/>	
SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input checked="" type="checkbox"/> SPRINKLER <input type="checkbox"/>	
Proposed Use:	ACCESSORY BUILDING	
Description of Work:	14x28 Storage	
Area Square Feet:	Covered	
Living:	Garage: <input checked="" type="checkbox"/>	Porch: <input type="checkbox"/>
	Total:	Number of stories:

Homeowner's name:	REGINALD SAVAGE		
Address:	7051 JUDY DRIVE		
Phone Number:	(817) 705-4474	Home Number	Mobile Number:

General Contractor	Contact Person	Phone Number	Contractor License Number
ULRICH BARN BUILDERS		817-506-4464	
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: Reginald Savage Date: 12/17/19

## OFFICE USE ONLY:

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

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

Receipt # \_\_\_\_\_

Total Fees: \_\_\_\_\_  
Issued Date: \_\_\_\_\_  
**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

<b>Building Permit #</b>	2019-0365	<b>Valuation:</b>	\$15,000.00
<b>Zoning:</b>		<b>Valuation w/</b>	\$0.00
		<b>Land:</b>	

<b>Project Address:</b>	7051 JUDY DR	<b>Subdivision:</b>	
<b>Lot:</b>	<b>Block:</b> E		

### Project Description:

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

<b>Proposed Use:</b>	ACCESSORY BUILDING
<b>Description of Work:</b>	14 X 28 STORAGE BUILDING

### Area Square Feet:

<b>Living:</b>	<b>Garage:</b>	<b>Covered Porch:</b>
<b>Total:</b> 0.00		
<b># of Stories:</b>		

### Homeowner Details

**Name:** REGINALD SAVAGE  
**Address:** 7051 JUDY DR, OVILLA, TX 75154  
**Phone #** (817) 705-4474 **Email:**

### Applicant Details

**Applicant Type:** Owner  
**Name:** REGINALD SAVAGE  
**Address:** ,  
**Phone #** (817) 705-4474 **Email:**

**General Contractor Details**

License #

Name:

Phone # (817) 506-4464 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



# Building Permit

## City of Ovilla

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

**Permit No. 2019-0365**

**Location:** 7051 JUDY DR  
**Description:** 14 X 28 STORAGE BUILDING  
**Owner:** REGINALD SAVAGE  
**Date Issued:**

**Building Inspector:** \_\_\_\_\_

**This Permit To Be Posted In Conspicuous Place On Site**

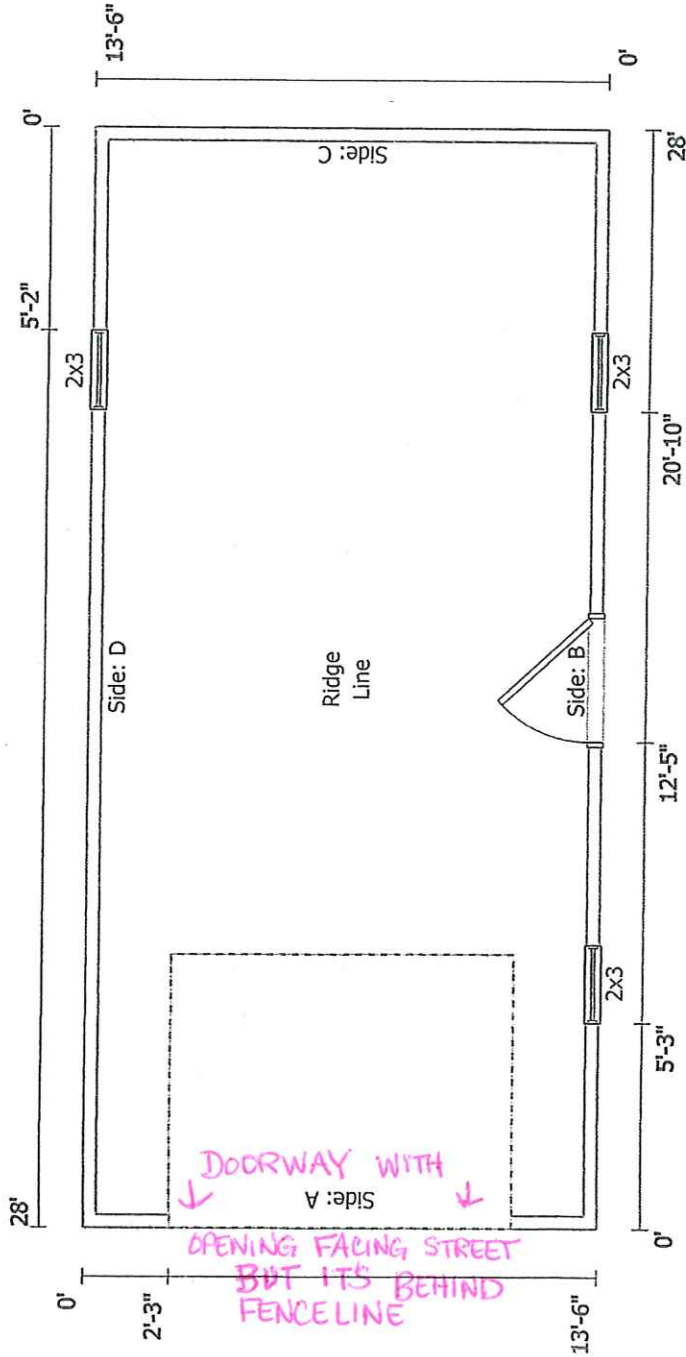
# BUILD ORDER

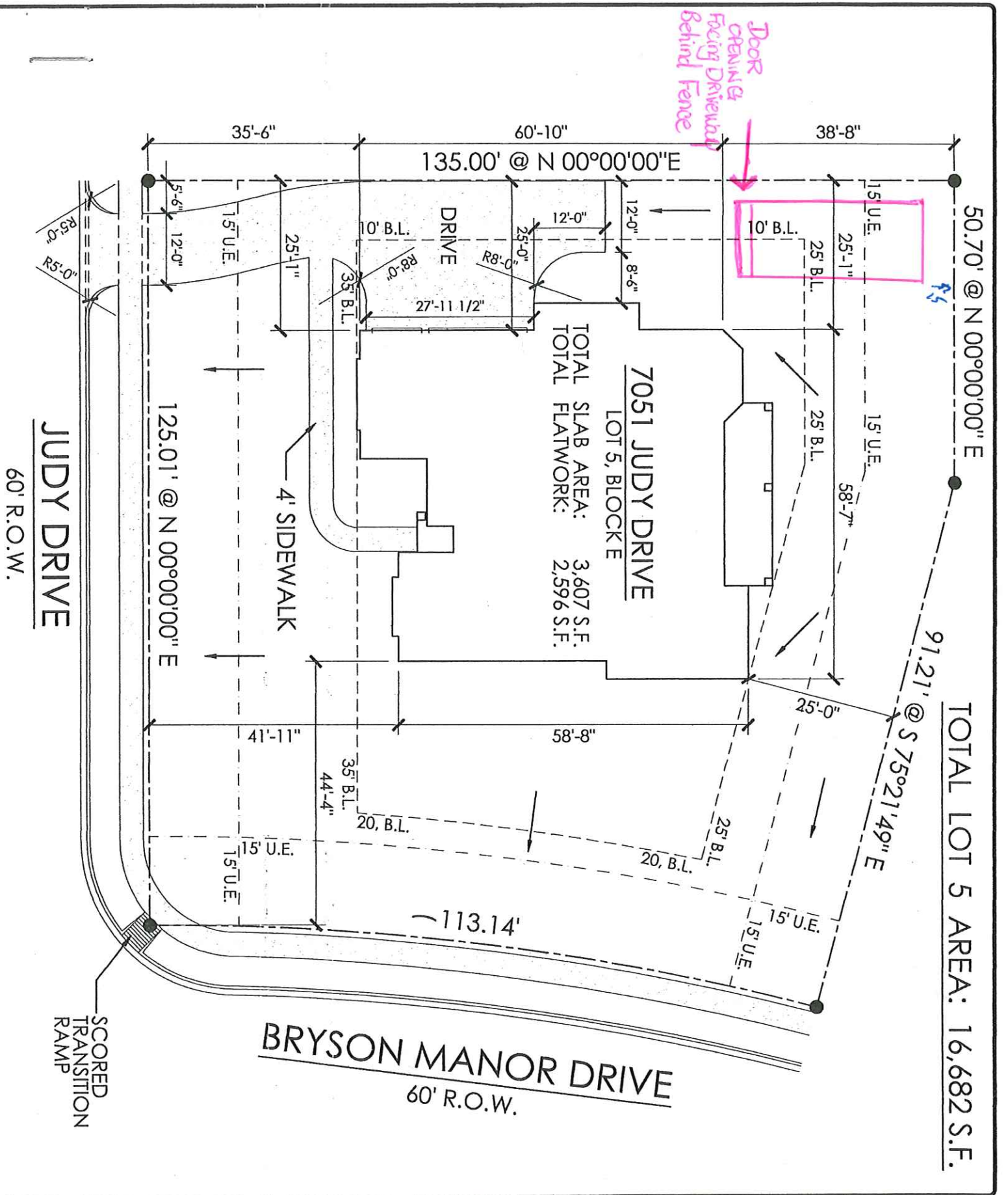
## Serial:

Siding Color: Deep Walnut  
Trim Color: Stone Manor  
Roofing: Weathered Wood Shingle  
(1) 8x9 Pressure Treated Garage Ramp  
Skirting around perimeter  
Remove Porch  
Position A1: 9x7 Garage Panel Door  
Position B1: 2x3 ~~Bronze~~ **White** Window  
Position B2: 9 Lite Door ~~White~~ **White**  
Position B3: 2x3 ~~Bronze~~ **White** Window  
Position D1: 2x3 ~~Bronze~~ **White** Window

## Inspection Report

Nailing pattern  
Nails clipped  
No cull studs showing  
Roof fasteners properly installed  
Siding fasteners properly installed  
Paint Touchup  
Doors squared and spaced  
Building swept out  
Serial plates installed







Accessory Building Permit  
Checklist

DATE 12-17-19

OWNER Savage Ronald

ADDRESS 7051 Judy

1. Permit Signed by property owner Yes ☒ No
2. Use of building Storage
3. Plot plan with survey stamp ~~Yes~~ No
4. Building Material Comp Brick Stone Hardiplank Wood Other
5. Roof Material Comp
6. Door Facing 90' from front of property Yes No
7. Height no taller than main dwelling or 25' Yes No
8. Location of Building
  - a. 100 ft from front property line Yes No
  - b. 5 feet from side property lines Yes No
  - c. Behind Rear plane of house Yes No
9. Septic tank/aerobic sprinkler spray location Yes ~~No~~
10. Electricity Yes No
11. Plumbing Yes No
12. Number of buildings on property 0
13. Size of property 14,682 sq ft
14. Total square footage 392 Total square footage allowed 505
15. Variance required Yes No

Approved Denied Reason

Front Facing - Main Door

DATE 12-17-19

NAME Mike Dooz

Chapter 14

30.3

C. Angle main Door

Variance required

7051 Judy Lane

1 – Main Door location

### 30.3 PLACEMENT

A. Front Setback. A residential accessory building must be located completely behind the rear plane of the main dwelling.

B. Other Setbacks. An accessory building may not be closer than five (5) feet to the lot line on any side and no closer than one hundred (100') feet to the front line.

C. Angles. The main opening or door of the residential accessory building must face at a ninety (90°) degree or one hundred and eighty (180°) degree angle from the front of the main building; provided however, that barn doors may face forward if [if] the barn is a minimum of two hundred (200') feet off the front lot line.



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

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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 2020.01



## 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 - Utility Easement

**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 - The utility Easement were in place when the home was Purchased

**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



**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.

*Yes - It will be constructed behind the fence line and also will coincide with the values of the property and 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.

*Yes - Accessory Buildings are allowed*

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

The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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

The burden of showing these conditions is on the applicant. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation.

All conditions are required to be met in order for the board of adjustment to grant your variance. Failure to state how your variance request meets these conditions in your application will result in its return without being submitted to the board of adjustment.



Case No. \_\_\_\_\_

## 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. 5

Property Address 7051 Judy Lane

Block No. E

Ovilla TX 75154

Zoning \_\_\_\_\_

The Applicant, \_\_\_\_\_, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article \_\_\_\_\_, Chapter 14, Section 30.3 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

*ACCESSORY Building with a front facing door*

Has a previously appeal been filed on this property?

YES / NO

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



• Case No. BOA 2020.01

I have completed the following requirements:

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

I authorize \_\_\_\_\_ of \_\_\_\_\_  
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name REGINALD SAVAGE  
Mailing Address 7051 JUDY DRIVE  
Ovilla, Tx. 75154  
Telephone (Hm) (817) 705-4474  
Telephone (Wk) (817) 705-4474  
Email SavageR1@yahoo.com

Reginald Savage  
Applicant's signature

12/17/19  
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

**Applicant:** REGINALD SAVAGE  
**Address:** 7051 JUDY DRIVE

**Case Number:** BOA2020.01

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
Member Carol Richtsmeier			
Member Richard Ware			
Member Barbara Betik			
Member Patricia Halyard-King			
Member Stephanie Heimbuch			
Alt. Member Vacant			
Alt. Member Mark Clark			

**TOTALS:**

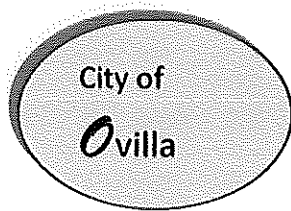
\_\_\_ **FOR**  
\_\_\_ **AGAINST**  
\_\_\_ **ABSTAIN**

The variance is hereby: \_\_\_\_\_ granted \_\_\_\_\_ denied

\_\_\_\_\_  
**Presiding Officer of BOA**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City or Board Secretary**



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 2

### DISCUSSION & ACTION

Meeting Date: January 21, 2020

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
<b>ITEM 2.</b>	<b>BOA2020.02 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6, Table 30A <u>NUMBER AND SIZE OF ACCESSORY BUILDINGS</u> filed by Eliot Vancil for a residential variance to build an accessory building over the allowed square feet on his property located at 105 Dusty Oak Trail.
Discussion / Justification:	
<b>APPLICANT:</b>	Eliot Vancil
<b>LOCATION:</b>	105 Dusty Oak Trail
<b>ZONING:</b>	RE Residential
<b>Applicant's Proposal:</b> Applicant requests to construct an accessory building over the allowed square feet.	
<b>Discussion:</b> The Ovilla Code of Ordinances, Chapter 14, Section 30.6, <u>NUMBER AND SIZE OF ACCESSORY BUILDING</u> , states: table 30.A; <i>If property is at least 5 Acres, but less than 10.0 Acres – total square footage of all accessory buildings can be 1.75% of lot size or 3,850 feet, whichever is larger, but with a total square footage combined not to exceed 6,650 feet, with no single building greater than 3,000 feet.</i>	
<b>BOARD DISCUSSION:</b> The Board is allowed to grant a Variance under certain circumstances & after review of the <b>Findings of Fact</b> form.	
<b>NOTICES:</b> One public notice listed in the the Waxahachie Daily Light; 26 certified letters mailed. There have been no responses.	
N/A	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT THE BOA GRANTS &amp; APPROVES/DENIES THE VARIANCE TO ELIOT VANCIL TO CONSTRUCT AN ACCESSORY BUILDING OVER THE ALLOWED AMOUNT ON HIS PROPERTY AT 105 DUSTY OAK TRAIL AS PRESENTED IN BOA2020.02."</b>	

## Residential Building Permit Application

Building Permit Number: _____		Valuation: <u>930,000</u>	
Zoning: _____		Valuation w/land: _____	
Project Address: <u>105 DUSTY OAKS TRAIL OVILLA TX 75154</u>			
Lot: _____		Subdivision: _____	
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____ PLUMBING/ELECTRICAL <input type="checkbox"/> FLATWORK <input type="checkbox"/> SPRINKLER <input type="checkbox"/> SWIMMING POOL <input checked="" type="checkbox"/> ACCESSORY BUILDING <input checked="" type="checkbox"/> FENCE <input type="checkbox"/>			
Proposed Use: <u>60x100 metal building electric and plumbing</u>			
Description of Work: _____			
Area Square Feet: _____		Covered _____	
Living: _____		Porch: _____	
Garage: _____		Total: _____	
		Number of stories: _____	

Homeowner's name: <u>ELLIOTTE VANELL</u>	
Address: _____	
Phone Number: _____	Home Number _____ Mobile Number: _____

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>ABE PARTIN</u>	<u>ABE</u>	<u>214-232-1638</u>	
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
<u>ROMERO</u>	<u>JESSE</u>	<u>214-663-9388</u>	
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
<u>JCS ELECTRIC</u>	<u>JIMMY weaver</u>	<u>214-684-3851</u>	<u>30269</u>
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number
<u>CASE PLUMBING</u>	<u>MIKE PERDUE</u>	<u>469-285-1753</u>	<u>M-31418</u>

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

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

Signature of Applicant: Ab Partin Date: 4-25-19

## OFFICE USE ONLY:

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

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

Receipt # \_\_\_\_\_

Total Fees: \_\_\_\_\_  
 Issued Date: \_\_\_\_\_  
 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 #	2019-0126	Valuation:	\$300,000.00
Zoning:		Valuation w/	\$0.00
		Land:	
Project Address:	105 DUSTY OAK TRL		
Lot:	Block:	Subdivision:	
<b><u>Project Description:</u></b>			
New SFR	No	Flatwork	
Plumbing/Electrical		Accessory Building	Yes
Swimming Pool		Sprinkler	
SFR Remodel/Addition		Fence	
Other		Specify Other:	
Proposed Use:	ACCESSORY BUILDING		
Description of Work:	NEW HOME CONSTRUCTION 60 X 100 METAL BUILDING WITH ELECTRIC AND PLUMBING		
<b><u>Area Square Feet:</u></b>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

<b><u>Homeowner Details</u></b>	
Name: ELIOT & TARA VANCIL	
Address: 4390 STONEWOOD CIR, MIDLOTHIAN, TX 76065	
Phone # Email:	
<b><u>Applicant Details</u></b>	
Applicant Type: Agent	
Name: ABE PARTINGTON	
Address: ,	
Phone # (214) 232-1638 Email:	

**General Contractor Details**

License #

Name: ABE PARTINGTON

Phone # (214) 232-1638 Email:

**Mechanical Contractor Details**

License # ?

Name: JESSE ROMEREZ

Phone # (214) 663-9388 Email:

**Electrical Contractor Details**

License # 30269

Name: JIMMY WEAVER

Phone # (214) 684-3851 Email:

**Plumber/Irrigator Details:**

License # M-37418

Name: MIKE PERDUE

Phone # (469) 285-1753 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



# Building Permit

City of Ovilla

---

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

Permit No. 2019-0126

**Location:** 105 DUSTY OAK TRL

**Description:** NEW HOME CONSTRUCTION 60 X 100 METAL BUILDING WITH ELECTRIC AND PLUMBING

**Owner:** ELIOT & TARA VANCIL

**Date Issued:**

**Building Inspector:** \_\_\_\_\_

**This Permit To Be Posted In Conspicuous Place On Site**



### Accessory Building Permit Checklist

DATE 5-7-19

OWNER Vancil Eliot + Tara

ADDRESS 105 Dusty OAK TRAIL

1. Permit Signed by property owner ~~Yes~~ No
2. Use of building shop
3. Plot plan with survey stamp ~~Yes~~ No
4. Building Material metal Brick Stone Hardiplank Wood Other metal
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 ①
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 9.43 Acres
14. Total square footage 6000 Total square footage allowed 6650
15. Variance required Yes No

Approved

Denied

Reason

DATE 5-7-19

NAME Mike Dooly

30-7 ②  
No single Building  
greater than  
3,000 sq. feet

### 30.7 OTHER ACCESSORY BUILDINGS.

An accessory building other than a residential accessory building requires a specific use permit granted by the City Council. A person commits an offense if the person installs, constructs or maintains an accessory building in a non-residential zoning district without a specific use permit.

Table 30.A Number and Size of Accessory Buildings		
Lot Size	Number of Accessory Buildings Permitted	Total Square Footage of All Accessory Buildings
Less than 0.5 Acres	2	3.0% of lot size or 500 feet, whichever is larger, but with a total square footage combined not to exceed 700 feet.
At least 0.05 Acres, but less than 1.0 Acres	2	3.0% of lot size or 700 feet, whichever is larger, but with a total square footage combined not to exceed 1,100 feet.
At least 1.0 Acres, but less than 2.0 Acres	3	2.5% of lot size or 1,100 feet, whichever is larger, but with a total square footage combined not to exceed 1,750 feet.
At least 2.0 Acres, but less than 5.0 Acres	3	2.0% of lot size or 1,750 feet, whichever is larger, but with a total square footage combined not to exceed 3,850 feet, with no single building greater than 2,000 feet.
At least 5.0 Acres, but less than 10.0 Acres	4	1.75% of lot size or 3,850 feet, whichever is larger, but with a total square footage combined not to exceed 6,650 feet, with no single building greater than 3,000 feet.
At least 10.0 Acres	6	1.5% of lot size or 6,650 feet, whichever is larger, but with a total square footage combined not to exceed 8,000 feet, with no single building greater than 4,000 feet.



## 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 2020-02

*Request for Greater Sq Footage*

VARIANCE

*105 Dusty OAKS*

Page 1



## 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 collect automobile volkswagons and restorers*

**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 I am collector of volkswagons & do restoration*

**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*



**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.

*yes*

**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.

*yes*

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

The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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

The burden of showing these conditions is on the applicant. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation.

All conditions are required to be met in order for the board of adjustment to grant your variance. Failure to state how your variance request meets these conditions in your application will result in its return without being submitted to the board of adjustment.



Case No. BOA2020.02

## 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. 693 J. McNamee

Property Address 105 DUSTY OAKS TR.

Block No. 9.43 Acres

OVILLA, TX. 75154

Zoning RE

The Applicant, ELLIOT VANCE, 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.

*Size of Building additional 3000 sq ft under 1 roof.*

Has a previously appeal been filed on this property?

YES / NO

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



• Case No. BOA 2020.02

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 ABE PARTINGTON

Mailing Address 3420 BLACK CHAMP RD

MIDLOTHIAN, VA 22045

Telephone (Hm) 214-232-1638

Telephone (Wk) \_\_\_\_\_

Email \_\_\_\_\_

Abe Partington  
Applicant's signature

11-5-19  
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

**Applicant:** ELIOT VANCIL  
**Address:** 105 DUSTY OAK TRAIL

**Case Number:** BOA2020.02

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.6 NUMBER AND SIZE OF ACCESSORY BUILDING 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
Member Carol Richtsmeier			
Member Richard Ware			
Member Barbara Betik			
Member Patricia Halyard-King			
Member Stephanie Heimbuch			
Alt. Member Vacant			
Alt. Member Mark Clark			

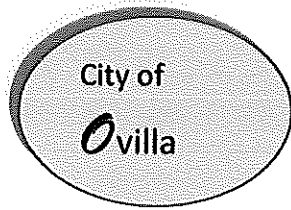
**TOTALS:**  
    \_\_\_ **FOR**  
    \_\_\_ **AGAINST**  
    \_\_\_ **ABSTAIN**

The variance is hereby: \_\_\_\_\_ granted \_\_\_\_\_ denied

\_\_\_\_\_  
**Presiding Officer of BOA**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City or Board Secretary**



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

Item: 3

### DISCUSSION & ACTION

Meeting Date: January 21, 2020

Attachments:	
1.	Permit Application
2.	Variance Application with attachments
3.	Findings of Fact
Agenda Item / Topic:	
ITEM 3.	<b>BOA2020.03 - Public Hearing and Discussion</b> of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 <b>PLACEMENT</b> filed by Eliot Vancil for a residential variance for an accessory building being built in front of the rear plane on his property located at 105 Dusty Oak Trail.
Discussion / Justification:	
<b>APPLICANT:</b>	Eliot Vancil
<b>LOCATION:</b>	105 Dusty Oak Trail
<b>ZONING:</b>	RE Residential
<b>Applicant's Proposal:</b> Applicant requests to construct an accessory building in front of the rear plane of main dwelling.	
<b>Discussion:</b> The Ovilla Code of Ordinances, Chapter 14, Section 30.3, <b>PLACEMENT</b> , states: <b>FRONT SETBACK</b> ; <i>A residential accessory building must be located completely behind the rear plane of the main dwelling.</i>	
<b>BOARD DISCUSSION:</b> The Board is allowed to grant a Variance under certain circumstances & after review of the <b>Findings of Fact</b> form.	
<b>NOTICES:</b> One public notice listed in the the Waxahachie Daily Light; 26 certified letters mailed. There have been no responses.	
N/A	
Sample Motion(s):	
<b>"I MAKE A MOTION THAT THE BOA GRANTS &amp; APPROVES/DENIES THE VARIANCE TO ELIOT VANCIL TO CONSTRUCT AN ACCESSORY BUILDING IN FRONT OF THE REAR PLANE OF THE MAIN DWELLING ON HIS PROPERTY AT 105 DUSTY OAK TRAIL AS PRESENTED IN BOA2020.03."</b>	

## Residential Building Permit Application

Building Permit Number: _____		Valuation: <u>300,000</u>	
Zoning: _____		Valuation w/land: _____	
Project Address: <u>105 DUSTY OAKS TRAIL OVI, TX 75154</u>			
Lot: _____		Subdivision: _____	
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 checked="" type="checkbox"/>	ACCESSORY BUILDING <input checked="" type="checkbox"/>	FENCE <input type="checkbox"/>
Proposed Use: <u>100 X 100 metal building electric and plumbing</u>			
Description of Work: _____			
Area Square Feet: _____		Covered Porch: _____	Total: _____
Living: _____	Garage: _____	Number of stories: _____	

Homeowner's name: <u>ELLIOTTE VANELL</u>		
Address: _____		
Phone Number: _____	Home Number: _____	Mobile Number: _____

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>ABE PARTIN</u>	<u>ABE</u>	<u>214-232-1638</u>	
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
<u>ROMEROZ</u>	<u>JESSE</u>	<u>214-663-9388</u>	
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
<u>JES ELECTRIC</u>	<u>TIMMY WEAVER</u>	<u>214-684-3851</u>	<u>30269</u>
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number
<u>CASE PLUMBING</u>	<u>MIKE PERDUE</u>	<u>469-285-1753</u>	<u>M-31418</u>

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

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

Signature of Applicant: Ab Partin Date: 4-28-19

## OFFICE USE ONLY:

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

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

Receipt # \_\_\_\_\_

Total Fees: \_\_\_\_\_  
 Issued Date: \_\_\_\_\_  
 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 #	2019-0126	Valuation:	\$300,000.00
Zoning:		Valuation w/	\$0.00
		Land:	
Project Address:	105 DUSTY OAK TRL		
Lot:	Block:	Subdivision:	
<b>Project Description:</b>			
New SFR	No	Flatwork	
Plumbing/Electrical		Accessory Building	Yes
Swimming Pool		Sprinkler	
SFR Remodel/Addition		Fence	
Other		Specify Other:	
Proposed Use:	ACCESSORY BUILDING		
Description of Work:	NEW HOME CONSTRUCTION 60 X 100 METAL BUILDING WITH ELECTRIC AND PLUMBING		
<b>Area Square Feet:</b>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

### Homeowner Details

Name: ELIOT & TARA VANCIL  
Address: 4390 STONEWOOD CIR, MIDLOTHIAN, TX 76065  
Phone # Email:

### Applicant Details

Applicant Type: Agent  
Name: ABE PARTINGTON  
Address: ,  
Phone # (214) 232-1638 Email:

**General Contractor Details**

License #

Name: ABE PARTINGTON

Phone # (214) 232-1638 Email:

**Mechanical Contractor Details**

License # ?

Name: JESSE ROMEREZ

Phone # (214) 663-9388 Email:

**Electrical Contractor Details**

License # 30269

Name: JIMMY WEAVER

Phone # (214) 684-3851 Email:

**Plumber/Irrigator Details:**

License # M-37418

Name: MIKE PERDUE

Phone # (469) 285-1753 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



# Building Permit

**City of Ovilla**

---

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

**Permit No. 2019-0126**

**Location:** 105 DUSTY OAK TRL

**Description:** NEW HOME CONSTRUCTION 60 X 100 METAL BUILDING WITH ELECTRIC AND PLUMBING

**Owner:** ELIOT & TARA VANCIL

**Date Issued:**

**Building Inspector:** \_\_\_\_\_

**This Permit To Be Posted In Conspicuous Place On Site**



## Accessory Building Permit Checklist

DATE 5-7-19

OWNER Vancil Eliot + Tara

ADDRESS 105 Dusty OAK TRAIL

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building shop
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material metal Brick Stone Hardiplank Wood Other metal
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 (1)
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 9.43 Acres
14. Total square footage 6000 Total square footage allowed 6650
15. Variance required ☒ Yes ☐ No

Approved ☒ Denied ☐ Reason

DATE 5-7-19

NAME Mike Dooly

(2)  
30-7  
No single Building  
greater than  
3,000 sq. ft.

### 30.3 PLACEMENT

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



## 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 2020.03

### 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.

*Wants to build to keep his collection on his own property*

**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.

*Customer wants building in front of residence to keep people away from his residence*

**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*

**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.



*yes*

**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.

*yes*

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

The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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

The burden of showing these conditions is on the applicant. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation.

All conditions are required to be met in order for the board of adjustment to grant your variance. Failure to state how your variance request meets these conditions in your application will result in its return without being submitted to the board of adjustment.



Case No. BOA 2020.03

## 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. 693 J. McNamara

Property Address 105 DUST OAK TR.

Block No. 9.43 Acres

OVILLA TX 75154

Zoning RE

The Applicant, \_\_\_\_\_, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article \_\_\_\_\_, Chapter 14, Section 30.3 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

TO CONSTRUCT AN ACCESSORY BUILDING LOCATED IN FRONT OF MAIN DWELLING.

Has a previously appeal been filed on this property?

YES / NO

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



- Case No. \_\_\_\_\_

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 Albert Partington of 105 DUSTY DAVIS  
(Applicant's agent) (Address)

214-232-1638, to represent me in this variance request before the Board of Adjustment.  
(Telephone)

Respectfully submitted:

Applicant's Name

Albert Partington

Mailing Address

3920 BLACK CLOAMP RD  
MIDCLOTHAM TX. 76065

Telephone (Hm)

214-232-1638

Telephone (Wk)

Email

PARTINGTON64@YAHOO.COM

Albert Partington  
Applicant's signature

11-15-19  
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

**Applicant:** ELIOT VANCIL  
**Address:** 105 DUSTY OAK TRAIL

**Case Number:** BOA2020.03

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
Member Carol Richtsmeier			
Member Richard Ware			
Member Barbara Betik			
Member Patricia Halyard-King			
Member Stephanie Heimbuch			
Alt. Member Vacant			
Alt. Member Mark Clark			

**TOTALS:**

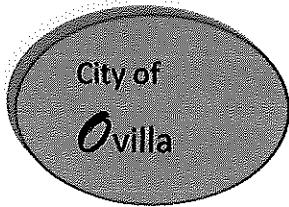
\_\_\_ **FOR**  
\_\_\_ **AGAINST**  
\_\_\_ **ABSTAIN**

The variance is hereby: \_\_\_\_\_ granted \_\_\_\_\_ denied

\_\_\_\_\_  
**Presiding Officer of BOA**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City or Board Secretary**



# Ovilla Zoning Board of Adjustment

## AGENDA ITEM REPORT

### Item: 4

#### DISCUSSION & ACTION

Meeting Date: January 21, 2020

<b>Attachments:</b>	
None	
<b>Agenda Item / Topic:</b>	
<b>ITEM 4.</b>	DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.
<b>Discussion / Justification:</b>	
N/A	
<b>Recommendation / Staff Comments:</b>	
N/A	
<b>Sample Motion(s):</b>	
N/A	