

AGENDA

Board of Adjustment

105 S. Cockrell Hill Road, Ovilla, Texas 75154

APRIL 20, 2020

NOTICE is hereby given of a Meeting of the Zoning Board of Adjustment of the City of Ovilla, to be held on Monday, April 20, 2020 at 7:00 P.M. by teleconference in the Ovilla Municipal Building located at 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items:

SUPPLEMENTAL NOTICE OF MEETING BY TELEPHONE CONFERENCE:

In accordance with order of the Office of the Governor issued March 16, 2020, the ZONING BOARD OF ADJUSTMENT of the CITY OF OVILLA will conduct the meeting scheduled at 7:00 PM, Monday, April 20, 2020 by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). [There will be no public access to the location described above.]

This supplemental written notice, the meeting agenda, and the agenda packet, are posted online at www.cityofovilla.org

The public toll-free dial-in number to participate in the telephonic meeting is: 1(571)317-3122
Code: 596-04-4821

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

Call to Order

♦ Pledge of Allegiance

Consent Items

♦ Minutes of the February 3, 2020 **Special** Zoning Board of Adjustment Meeting

♦ Minutes of the February 18, 2020 Zoning 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. **BOA2020.05 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Chris Barzyk for a residential special exception to construct a fence on or beyond the building line on his property at 180 Johnson Lane.

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

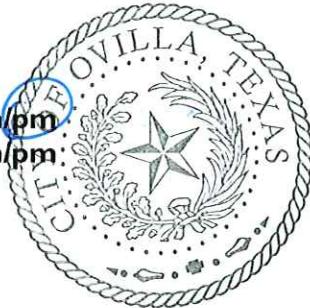
ITEM 2. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Zoning Board of Adjustment Meeting** scheduled for **April 20, 2020 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on the 17th day of April, 2020, prior to 6:00 p.m.

G Miller
G Miller, City Secretary

DATE OF POSTING: April 17, 2020 **TIME:** 3:00 **am/pm:** pm
DATE TAKEN DOWN: _____ **TIME:** _____ **am/pm:** _____



CITY OF OVILLA MINUTES
Monday, February 3, 2020
Board of Adjustment Special Meeting

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

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

Chair Richtsmeier moved that the BOA APPROVE the request for Reginald Savage for a variance to construct an accessory building with door(s) facing front of property on his property as presented. PL2 Halyard-King seconded the motion.

Record vote was called:

Record Vote:

HALYARD-KING	<u>AYE</u>
WARE	<u>AYE</u>
RICHTSMEIER	<u>AYE</u>
CLARK	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:17 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. The main dwelling has not been built; per code the permit will be held for the accessory building until main dwelling has been started and is in its framework. The applicant is allowed to have a 3000 square ft building without variance to the code, however the building is 3000 square feet over the allowed amount. Most traffic and residents will not be able to see this property or building. There is a neighbor that is able to see the roof top (when built). The property is zoned residential after 300 foot back into property. The accessory building will be set back well over 300 foot.

(Testimony that followed was under proper oath, Applicant)

Mr. Abe Partington – Representative – builder/developer explained the accessory building will be 60 ft X 100 ft and needing the variance for the size. It will have heating and air, metal building with stone accent structure. He explained that it was definitely not a business and answered "No" when directly asked by the Board if it was a business. He explained the applicant is a collector of cars and has around 50 cars that are already restored. Again, it was asked by the board if it was a business or personal car collection. Representative reiterated, it is a personal car collection only. The building will be from 800 to 1000 feet to Ovilla Road. The representative gave pictures of how the property is not visible from the road. He explained that the creek side of the property it is not visible.

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

Chair Carol Richtsmeier, PL1
Patricia Halyard-King, PL2
Barbara Bettik, PL3
Vice Chair Stephanie Heimbuch, PL4

Richard Ware, PL5
Vacant, PL6
Mark Clark, PL7 Alt.

CITY OF OVILLA MINUTES
Monday, February 3, 2020
Board of Adjustment Special Meeting

Jeff Hastings - 107 Ovilla Oaks Drive – gave location of his home in respect is to the property in question. According to the plans he saw on the building and stated it is beautiful. The location of the building(s) has been taken into consideration in regard to the creek, trees and natural flow of the property. Very nice neighbor. Board members discussed the closeness of his home to the applicant who will be “working on cars”. Mr. Hastings was not concerned with the applicants but was concerned about it the applicant does not keep it, who would come in next. He reiterated he is in support of the Vancil's.

Danny Ramor – 201 Ovilla Oaks Drive – in support

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

Jimmie Wade – 606 Creekview - against due to the main dwelling not built first, as well as how often he takes the collection of cars on the roads

Judy Cathy – 806 Cockrell Hill Road – a concern against so many variances in city, addressing the building being in front of the home and too large.

Linda Chastain – 604 Valley View Street – not happy with all the variance to code in the city, she lives at the top of the hill near neighbor, and would be able to see the home.

Shay Fanning – concerned about wildlife and creek – not against – just concerned (wanted to speak during those who spoke in favor, and did not)

(Rebuttal or Final Comments:)

Carol & Hayden Vancil – applicant's wife and son – said it would not be as visible as stated by neighbors against. Stated she wanted the house further back to be near the creek. Hayden says that the collected cars come out of the shop maybe twice a year for fund raisers, MISD has a band fund raiser for trips and another charity event that are led by Joe Pool Lake, there approx. 40 collected cars that they have and he reiterated that it is not to be used as a business.

The Public Hearing was closed at 8:12 p.m.

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

The Findings-of-Fact were read aloud for both variances on allowed amount and placement. After discussion, the Board reviewed the criterion and completed the Findings-of-Fact form resulting in a negative outcome.

PL2 Halyard- King moved that the BOA DENY the request for Eliot Vancil for a residential variance to build and accessory building over the allowed square feet and DENY the placement as well.

Chair Richtsmeier seconded the motion.

Record vote was called:

Record Vote:

WARE	<u>NAY</u>
RICHTSMEIER	<u>AYE</u>
HALYARD-KING	<u>AYE</u>
CLARK	<u>NAY</u>

VOTE: The motion to DENY was voted on at 2-2, therefore BOTH MOTIONS DIE.

Chair Carol Richtsmeier, PL1
Patricia Halyard-King, PL2
Barbara Betik, PL3
Vice Chair Stephanie Heimbuch, PL4

Richard Ware, PL5
Vacant, PL6
Mark Clark, PL7 Alt.

CITY OF O'VILLA MINUTES
Monday, February 3, 2020
Board of Adjustment Special Meeting

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 8:26 p.m.

Chair Richtsmeier

ATTEST:

G Miller, City Secretary

Attachment(s): *Findings of Fact*

Approved on April 20, 2020

Chair Carol Richtsmeier, PL1
Patricia Halyard-King, PL2
Barbara Bettik, PL3
Vice Chair Stephanie Heimbuch, PL4

Richard Ware, PL5
Vacant, PL6
Mark Clark, PL7 Alt.



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: ELIOT VANCIL

Case Number: BOA2020.03

Address: 105 DUSTY OAK TRAIL

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: AYE BEING AGAINST REQUESTS.

	FOR	AGAINST	ABSTAIN
Member Carol Richtsmeier		AYE	
Member Richard Ware		NAY	
Member Barbara Betik	ABSENT		
Member Patricia Halyard-King		AYE	
Member Stephanie Heimbuch	ABSENT		
Alt. Member Vacant			
Alt. Member Mark Clark		NAY	

TOTALS:

2 FOR
2 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: 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: AYE BEING AGAINST:

	FOR	AGAINST	ABSTAIN
Member Carol Richtsmeier	AYE		
Member Richard Ware	NAY		
Member Barbara Betik	ABSENT		
Member Patricia Halyard-King	AYE		
Member Stephanie Heimbuch	ABSENT		
Alt. Member Vacant			
Alt. Member Mark Clark	NAY		

TOTALS:

— FOR
— AGAINST
— ABSTAIN

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

City or Board Secretary

CITY OF OVILLA MINUTES
Monday, February 18, 2020
Board of Adjustment Meeting

Vice Chair Stephanie Heimbuch called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:04 p.m. with the following BOA members present, thus constituting a quorum:

Barbara Betik	Board Member
Mark Clark	Board Member
Patricia Halyard-King	Board Member

Code Enforcement Officer Mike Dooly was present.

At this time Vice Chair Heimbuch asked PL3 Betik to call roll of present members, thus declaring a quorum. Chair Richtsmeier & PL5 Richard Ware were noted absent.

The Pledge of Allegiance was led at this time.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

None

PUBLIC HEARING
&
INDIVIDUAL CONSIDERATION

ITEM I. **BOA2020.04 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Jordan Zadwick for a special exception for a fence that is on or beyond the building line on his property at 686 Johnson Lane.

Vice Chair Heimbuch read aloud the captioned request and opened the Public Hearing at 7:07 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 that the property has an existing fence of barbed wire that needs to be replaced. The new fence would be constructed in existing location and would be in line with the surrounding properties/homeowners fence lines.

(Testimony that followed was under proper oath; Applicant)

The applicants reiterated Mr. Dooly's statements. They added that the surrounding neighbors are also Mr. Zadwick's family. He explained that the property was small farmland with cows and the existing fence is not holding up and able to keep livestock on property.

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

None.

(Vice Chair Heimbuch 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 7:13 p.m.

Chair Carol Richtsmeier, PL1

Patricia Halyard-King, PL2

Barbara Betik, PL3

Vice Chair Stephanie Heimbuch, PL4

Richard Ware, PL5

Vacant, PL6

Mark Clark, PL7 Alt.

CITY OF OVILLA MINUTES
Monday, February 3, 2020
Board of Adjustment Special Meeting

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

Richard Ware	Board Member
Mark Clark	Board Member
Patricia Halyard-King	Board Member

Code Enforcement Officer Mike Dooly was present.

The Pledge of Allegiance was led at this time.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

None

PUBLIC HEARING
&
INDIVIDUAL CONSIDERATION

ITEM I. **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.

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 that the property has a steep drop on the east side that limits area for the accessory building. The property also has a 15 ft utility easement behind the home that limits space. The building is used for vehicle restoration.

(Testimony that followed was under proper oath; Applicant)

The applicant reiterated Mr. Dooly's statements. He explained that the property is very limited as to where it could be placed.

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

None.

(Vice Chair Heimbuch 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 7:13 p.m.

Chair Carol Richtsmeier, PL1
Patricia Halyard-King, PL2
Barbara Betik, PL3
Vice Chair Stephanie Heimbuch, PL4

Richard Ware, PL5
Vacant, PL6
Mark Clark, PL7 Alt.



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

Applicant: Jordan Zadwick
Address: 686 Johnson Lane.

Case Number: BOA2020.04

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	ABSENT			
RICHARD WARE	ABSENT			
STEPHANIE HEIMBUCH	AYE			
BARBARA BETIK	AYE			
PATRICIA HALYARD-KING	AYE			
MARK CLARK	AYE			

TOTALS:

4
0
0

FOR
AGAINST
ABSTAIN

The special exception is hereby:

✓ granted _____ denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION Meeting Date: April 20, 2020

Attachments:

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

Agenda Item / Topic:

ITEM 1. **BOA2020.05- Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Chris Barzyk for a residential special exception to construct a fence on or beyond the building line on his property at 180 Johnson Ln.

Discussion / Justification:

APPLICANT: Chris Barzyk
LOCATION: 180 Johnson Lane
ZONING: RC Residential

Applicant's Proposal: Applicant requests to construct fence on or beyond the building line.

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

D. Support and Rails. 1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

BOARD DISCUSSION: The Board is allowed to grant a Special Exception under certain circumstances & after review of the **Findings of Fact** form.

NOTICES: One public notice listed in the the Waxahachie Daily Light; 17 certified letters mailed. There have been no responses.

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO CHRIS BARZYK TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON THEIR PROPERTY AT 180 JOHNSON LANE AS PRESENTED IN BOA2020.05."

City of Ovilla

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

105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

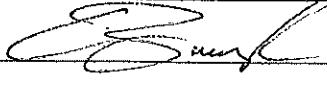
Building Permit Number:	2020-0403	Valuation:	\$3500.00		
Zoning:					
Project Address:	180 Johnson Ln.				
Lot:	Subdivision:				
Project Description:	NEW SFR PLUMBING/ELECTRICAL SWIMMING POOL	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	SFR REMODEL/ADDITION FLATWORK ACCESSORY BUILDING	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	SPECIFY OTHER: SPRINKLER FENCE <input checked="" type="checkbox"/>
Proposed Use:	Fence Gate				
Description of Work:	Stone Columns w/ Metalwork Panels				
Area Square Feet:	Covered				
Living:	Garage:	Porch:	Total:	Number of stories:	

Homeowner's name:	Chris Baray		
Address:	180 Johnson Ln.		
Phone Number:	469-719-4047	Home Number	Mobile Number:

General Contractor	Contact Person	Phone Number	Contractor License Number
Owner			
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:  Date: Feb 14, 2020

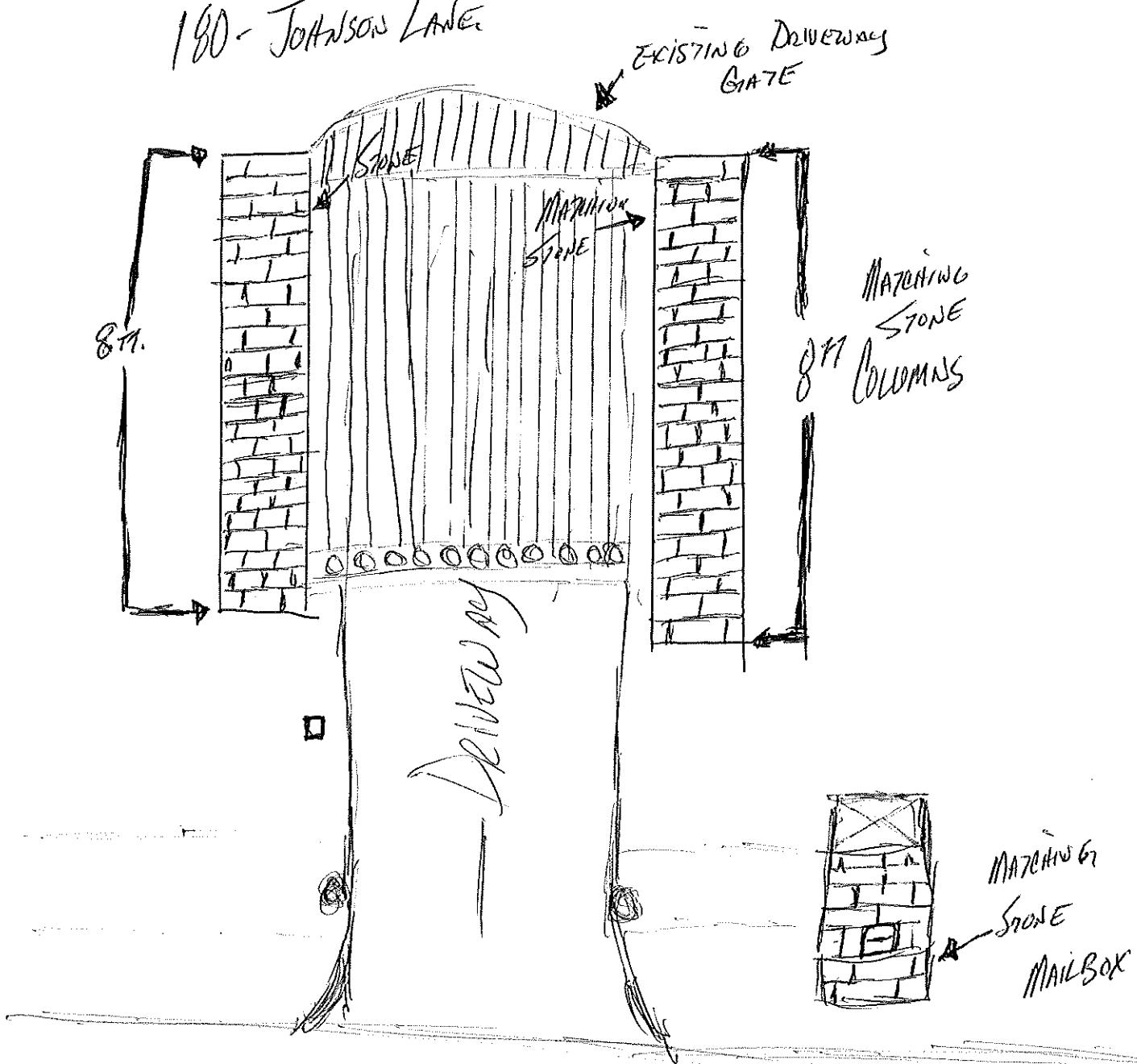
OFFICE USE ONLY:

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

Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:		Issued Date:
Park Impact Fee:		Expires:
Capital Recovery Fee:		Issued By:
Fire Meter:		
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		BV Project #
Sewer Impact:		

C. Barry

180 - Johnson Lane



180
Johnson Ln.



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 #	2020-0403	Valuation:	\$3,500.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	180 JOHNSON LN		
Lot:	Block:	Subdivision:	
Project Description:			
New SFR		Flatwork	
Plumbing/Electrical		Accessory Building	
Swimming Pool		Sprinkler	
SFR Remodel/Addition		Fence	
Other		Specify Other:	
Proposed Use:	FENCE/GATE		
Description of Work:	STONE COLUMNS WITH MATCHING MAILBOX		
Area Square Feet:			
Living:		Garage:	Covered Porch:
Total:	0.00		
# of Stories:			

Homeowner Details

Name: MENDIA GBURI
Address: 180 JOHNSON LN, OVILLE, TX 75154
Phone # (469) 719-4047 **Email:**

Applicant Details

Applicant Type: Owner
Name: CHRIS BARZYK
Address: ,
Phone # (469) 719-4047 **Email:**

General Contractor Details

License #

Name:

Phone # Email:

Mechanical Contractor Details

License #

Name:

Phone # Email:

Electrical Contractor Details

License #

Name:

Phone # Email:

Plumber/Irrigator Details:

License #

Name:

Phone # Email:

Applicant's Signature

Office Use Only:

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

Plan Review Fee: \$0.00

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. 2020-0403

Location: 180 JOHNSON LN

Description: STONE COLUMNS WITH MATCHING MAILBOX

Owner: MENDI A GBURI

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



Accessory Building Permit Checklist

DATE 2-14-2020

OWNER Chris Barzyk

ADDRESS 180 Johnson Lane

1. Permit Signed by property owner
2. Plot plan with survey stamp
3. Pickets facing out noted
4. Height 8 ft max
5. Utility easements noted
6. Right of Way
7. Building Line noted
8. Cross section image
9. Break away panel access
10. Fence Material

Yes No

Wood Metal Other Brick

Board of Adjustment Variance Required Yes No Special Exception

Approved Denied Reason Building to Front property Line

DATE 2-14-2020

Chapter 14

NAME Mike Dory

35.3 D

see Attachment

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.

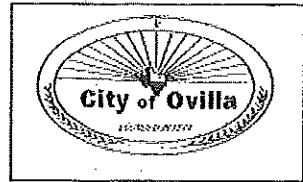
1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

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.

(a) Any person, group of persons or corporation owning or having control of any fence within the city shall be responsible to maintain the fence in a safe and visibly presentable condition. This shall include replacement of broken or defective boards, posts, wire, wood, wrought iron, vinyl, brick, pierced brick, stone, mortar, blocks, wood or other fence parts or a combination of some or all. This section requires owners to remove, repair, or replace fences identified in violation that may cause the fence to be unsafe or unsightly.

(b) No permit will be required for normal fence maintenance; however, if the fence has deteriorated beyond fifty percent (50%) of the fence value, and does not comply with the provisions of this article including subsection (d) below, then the terms of this article (c) A fence is considered dilapidated if

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.

Case No. _____

The Applicant/Owner, Chris Baezyk, of Eccis County, requests that the Ovilla Board of Adjustment grant the following **SPECIAL EXCEPTION** to Article 14, Chapter 35.3, Section D.1 of the Ovilla Zoning Ordinance. Please state in detail what type of **SPECIAL EXCEPTION** you are seeking, attach additional sheets if necessary.

To Replace ^{damaged} Wooden Post Structure And Matching
Mailbox w/ New Stone Columns And Matching
Stone Mailbox

Has a previous appeal been filed on this property?

YES

If YES, when was the previous appeal filed? 5.9.2018



Case No. _____

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

Please state in detail how the conditions necessary for the granting of a SPECIAL EXCEPTION have been met in this case. Attach additional sheets if necessary.

CONDITION 1: Requires that the use is specifically permitted under the ordinance and the requirements for such use are met; and

✓

CONDITION 2: Requires that the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

✓

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

✓

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.



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 plan
3. Completed all sections of the application

I authorize _____ of _____
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant/Owner Name Chris Barczyk
Mailing Address 180 Johnson Ln.
Ovilla Tx 75154
Telephone (Hm) 469-719-4047
Telephone (Wk) _____
Email CHRISMOWSKI836@GMAIL.COM

Barczyk
Applicant's signature

Date

Feb 14, 2020

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

OFFICE USE ONLY

DATE RECEIVED: _____ HEARING DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____

DATE: Feas 14 2020

Case No. _____

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. _____

Property Address 180 Johnson Ln.

Block No. _____

Ovilla Tx 75154.

Property Zoned _____

OWNER OF PROPERTY

Chris Barzyk Moni Barzyk

APPLICANT

Chris Barzyk

SPECIAL EXCEPTION

2-8' Stone Columns + Primitive Stone Mail Box





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

Applicant: Chris Barzyk
Address: 180 Johnson Ln.

Case Number: BOA2020.05

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

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

TOTALS:

____ FOR
____ AGAINST
____ ABSTAIN

The special exception is hereby:

____ granted ____ denied

____ Presiding Officer of BOA

____ DATE

Attest:

____ Board Secretary

____ DATE

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION Meeting Date: April 20, 2020

Attachments:

None

Agenda Item / Topic:

ITEM 2. 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