

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

City of Ovilla

Richard Ware, Jr. PL5
ALT- Steven Miner, PL6
ALT- Mark Clark, PL7
Mike Dooly, Code Enforcement

MEETING AGENDA

Board of Adjustment
105 S. Cockrell Hill Road, Ovilla, Texas 75154
July 20, 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 **Monday, July 20, 2020 at 7:00 P.M. via teleconference** 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).*

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, July 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 toll-free dial-in number to participate in the Zoom meeting is: **1 (346) 248-7799**
Meeting ID: **479 179 4690**.

You may also join the Zoom meeting at <https://zoom.us/j/4791794690>

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

Comments, Presentations, Reports and/or Appointments

Oath of Office presented for new member of the Board of Adjustment Steven Miner, PL6 and Incumbent members Patricia Halyard-King, PL2, Stephanie Heimbuch, PL4

Oaths of Office were done prior to the teleconference for Steven Miner, PL6 and Patricia Halyard-King, PL2

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

Carol Richtsmeier, PL1
Patricia Halyard - King, PL2
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Stephanie Heimbuch, PL4

City of Ovilla

Richard Ware, Jr. PL5
ALT - Steven Miner, PL6
ALT - Mark Clark, PL7
Mike Dooly, Code Enforcement

The following item(s) may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Board Member, in which event those items will be pulled from the consent agenda for individual consideration.

Individual Consideration

- ITEM 1. DISCUSSION/ACTION – Consider nominations and appointment of Chair to the Board of Adjustment.**
- ITEM 2. DISCUSSION/ACTION - Consider nominations and appointment of Vice Chair to the Board of Adjustment.**
- ITEM 3. 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 Louis Waggoner for a residential special exception to construct a fence on or beyond the building line on his property 741 Westmoreland Road.

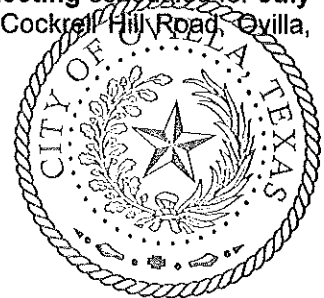
DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Louis Waggoner.

Adjournment

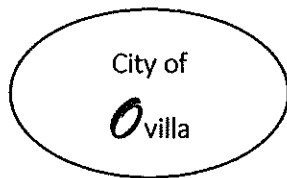
This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **July 20, 2019 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 16th day of July 2020, prior to 6:00 p.m.


Cathy Gaeta, Deputy City Secretary

DATE OF POSTING: 7/16/2020 **TIME:** 3:00 **am/pm**
DATE TAKEN DOWN: _____ **TIME:** _____ **am/pm**



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Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION

Meeting Date: July 20, 2020

Attachments:

1. Refer to the attached pages 14A-120 and 14A-121 of the Ovilla Code of Ordinance Book.

Agenda Item / Topic:

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

Discussion / Justification:

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

Sample Motion(s):

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

1. _____

2. _____

ANY OTHER NOMINATIONS?

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

Section 44 - Completion of Buildings Under Construction

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 45 - Zoning Board of Adjustment**45.1 ESTABLISHMENT**

A. Composition. A Zoning Board of Adjustment is hereby established and shall consist of five regular members and two alternate members to be appointed by the City Council. Each member shall be appointed for a term of two years by the City Council. Alternate members shall serve in the absence of regular member(s) in keeping with rules and procedures adopted by the Zoning Board of Adjustment.

(Ordinance 2010.013 adopted 6/14/10)

B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the City Council for the unexpired term of the member affected. (Ordinance 2018-15 adopted 8/13/18)

C. Quorum. All cases to be heard by the Zoning Board of Adjustment must be heard by a minimum number of four members.

D. Cause for Removal. Cause for removal shall include missing more than two consecutive meetings or three meetings in any one twelve (12) month period or such other misconduct as the City Council may establish by resolution.

(Ordinance 2010.013 adopted 6/14/10)

45.2 TERMS OF OFFICE

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

B. Places. The members of the Board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. (Ordinance 2010.013 adopted 6/14/10)

45.3 PROCEDURE**A. Meetings.**

1. The Board shall hold an organizational meeting on the third Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.
2. Meetings shall be held as needed at the call of the chairman and at such other times as the Board may determine.
3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

B. Minutes. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board, and which shall not become effective unless the Board has furnished a copy of the rules to the City Manager.

(Ordinance 2018-15 adopted 8/13/18)

C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.

D. Quorum. A quorum for the conduct of business shall consist of four members of the Board.

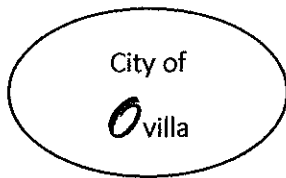
E. Misconduct. The members of the Board shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences or such other misconduct as the Council may specify by resolution shall constitute grounds for dismissal.

45.4 OFFICERS**A. Duties.** Duties of the officers shall be as follows:

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

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

(Ordinance 2010.013 adopted 6/14/10)



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION

Meeting Date: July 20, 2020

Attachments:

1. Refer to the attached pages 14A-120 and 14A-121 of the Ovilla Code of Ordinance Book.

Agenda Item / Topic:

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

Discussion / Justification:

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

Sample Motion(s):

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

1. _____

2. _____

ANY OTHER NOMINATIONS?

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

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(Ordinance 2010.013 adopted 6/14/10)

City of

Ovilla

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

DISCUSSION & ACTION

Meeting Date: July 20, 2020

Attachments:

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

Agenda Item / Topic:

ITEM 3. 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 Louis Waggoner for a residential special exception to construct a fence on or beyond the building line on his property 741 Westmoreland Road.

Discussion / Justification:

APPLICANT: Louis Waggoner
LOCATION: 741 Westmoreland Road
ZONING: RE 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. I. 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 Waxahachie Daily Light; 10 certified letters mailed. There have been no responses.

N/A

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO LOUIS WAGGONER TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON HIS PROPERTY AT 741 WESTMORELAND ROAD AS PRESENTED IN BOA20.07."



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 #	2020-0490	Valuation:	\$300,000.00
Zoning:	R15	Valuation w/	\$350,000.00
		Land:	
Project Address:	741 WESTMORELAND RD		
Lot:	Block:	Subdivision:	Westmoreland Road Estates #1
	A		

Project Description:

New SFR
Plumbing/Electrical
Swimming Pool
SFR Remodel/Addition
Other

Flatwork
Accessory Building
Sprinkler
Fence Yes
Specify Other:

Proposed Use: FENCE
Description of Work: New fence installation

Area Square Feet:

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

Homeowner Details

Name: SHANDRA & LOUIS WAGGONER MOULTON
Address: 134 GLACIER LN, CEDAR HILL, TX 75104
Phone # (214) 563-8756 **Email:** shandramoulton@hotmail.com

Applicant Details

Applicant Type: Agent
Name: Louis Waggoner
Address: 134 Glacier LN Cedar Hill, TX 75104
Phone # (267) 253-7516 **Email:** lou.wagg@yahoo.com

General Contractor Details

License # 1230982

Name: Louis Waggoner

Phone # (267) 253-7516 **Email:** lou.wagg@yahoo.com

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. 2020-0490

Location: 741 WESTMORELAND RD

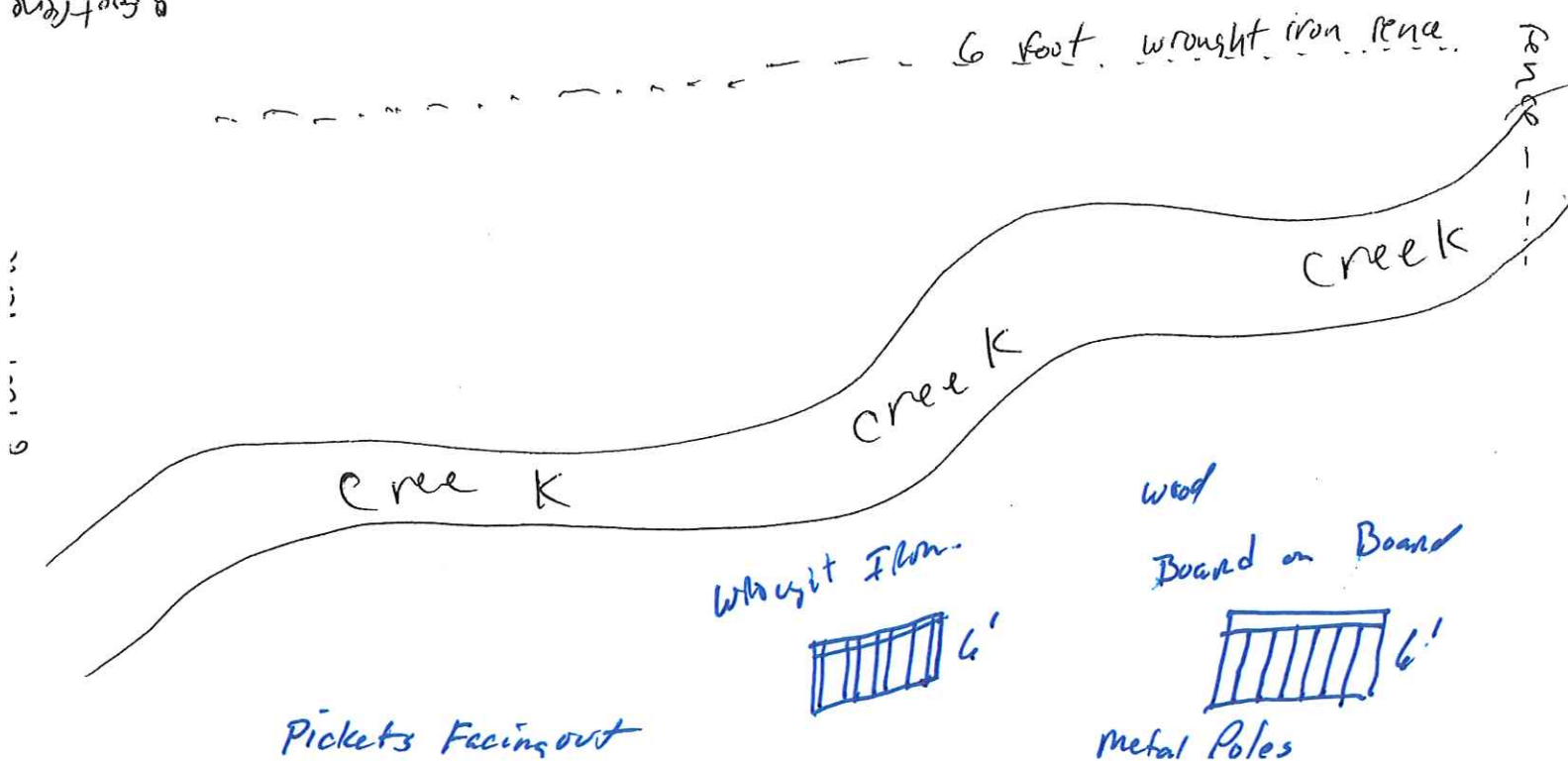
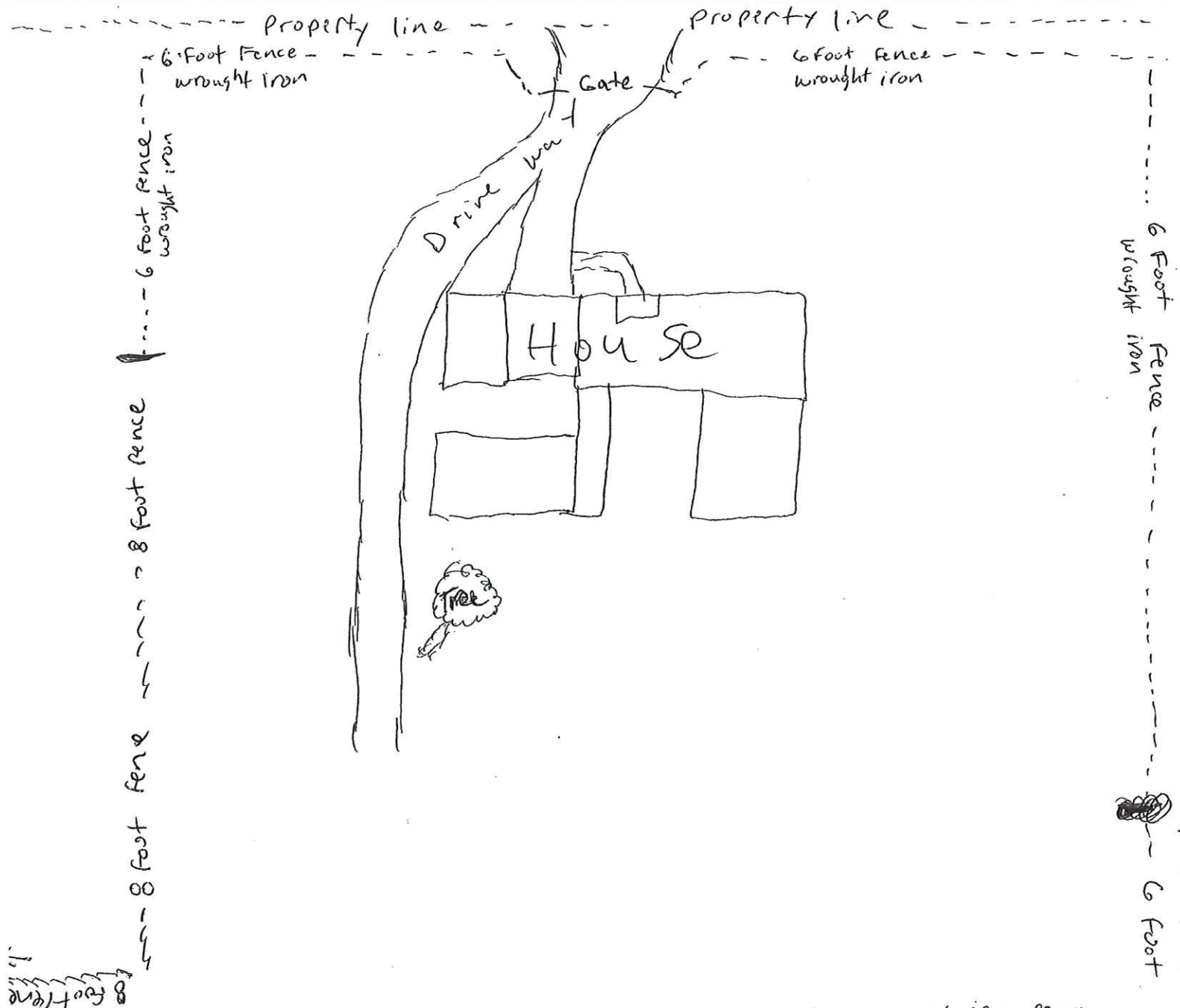
Description: New fence installation

Owner: SHANDRA & LOUIS WAGGONER MOULTON

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site





Fence Construction Permit Checklist

DATE 5-21-2020

OWNER Louis Waggoner

ADDRESS 741 West Moreland

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

Board of Adjustment Variance Required Yes No

Approved Denied

Reason Special Exception Required
to Construct to
Front property Line.

DATE 6-1-2020

NAME Mike Dooz

Chapter 14

35.3

C. No Fence Allowed on front of
Building Line

D. Fence constructed to property
Line w/ special Exceptions

Permit request .

Louis Waggoner
741 Westmoreland
Ovilla Texas 75154

Special Exception required to construct fence to property line.

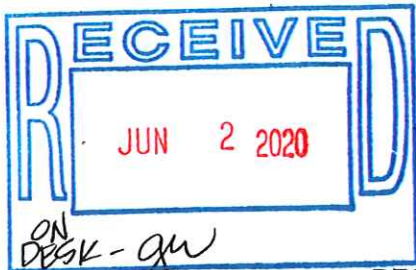
Chapter 14 Ovilla Code of Ordinance

35.3 FENCES IN RESIDENTIAL DISTRICTS

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.



DATE: JUNE 2, 2020

Case No. BOA 20.07

REQUEST FOR A SPECIAL EXECPTION

To the

OVILLA BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 27R-1 Property Address 741 S. Westmoreland Rd

Block No. A ovilla TX. 75154

Property Zoned RE

OWNER OF PROPERTY Louis Waggoner + Shandra Moulton

APPLICANT Louis Waggoner

SPECIAL EXCEPTION Fence Const Ruction



Case No. BOA 20.07

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

seeking an exception for a straight line wrought iron fence within my property lines, six feet tall in the front with a gate. The back of the property will have a 8 foot fence made of wood board on ~~wood~~ board with metal poles.
To construct a fence to the property line.

Has a previous appeal been filed on this property?

YES ☐ NO ☒

If YES, when was the previous appeal filed? _____



Case No. BoA 20.07

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

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

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

yes



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

yes



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

yes



All three conditions are required to be met in order for the Board of Adjustment to grant your SPECIAL EXCEPTION. Failure to state how your SPECIAL EXCEPTION request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.



Case No. BDA 20.07

I have completed the following requirements:

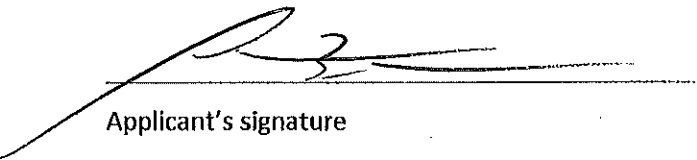
1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot plan
3. Completed all sections of the application.

I authorize Louis Waggoner of 741 S. Westmoreland Rd.
(Applicant's agent) (Address)

Ovilla Tx. 75154 to represent me in this SPECIAL EXCEPTION request before the Board of
Adjustment.
(Telephone)

Respectfully submitted:

Applicant/Owner Name Louis Waggoner + Shandra Moulton
Mailing Address 134 Glacier Lane Cedar Hill TX. 75104
Telephone (Hm) (267) 253-7516 + (214) 563-8756
Telephone (Wk) _____
Email lou.waggo@yahoo.com


Applicant's signature

6/2/2020
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

OFFICE USE ONLY	
DATE RECEIVED: _____	HEARING DATE: _____
APPROVED: _____	DENIED: _____
BOA CHAIRMAN SIGNATURE: _____	



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

Applicant: LOUIS WAGGONER
Address: 741 WESTMORELAND RD

Case Number: BOA 20.07

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

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

BOA Members present, and upon a record vote of:

FOR AGAINST ABSTAIN

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

TOTALS:

— **FOR**
— **AGAINST**
— **ABSTAIN**

The special exception is hereby:

— **granted** — **denied**

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE

SPECIAL EXCEPTION BASED ON MUNICIPAL LAW AND PROCEDURE MANUAL