

City of Ovilla

AGENDA

Board of Adjustment Meeting

Via: Teleconference Only

SEPTEMBER 21, 2020

SUPPLEMENTAL NOTICE OF MEETING BY TELEPHONE CONFERENCE:

In accordance with order of the Office of the Governor issued March 16, 2020, the Ovilla Zoning Board of Adjustment of the CITY OF OVILLA will conduct the meeting scheduled at 7:00 PM, Monday, September 21, 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:

United States: 1-346-248-7799

Meeting ID: 920 8434 1566

If you would like to join the meeting with your computer, tablet, or smartphone:

<https://zoom.us/j/92084341566>

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

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 via teleconference **Monday, September 21, 2020 at **7:00 P.M.** from **105 S. Cockrell Hill Road, Ovilla, Texas, 75154** for the purpose of considering the listed item(s). The Board of Adjustment of the City of Ovilla, Texas, reserves the right to meet in a closed session pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations).**

Call to Order

♦ Pledge of Allegiance

Consent Items

- ♦ Minutes of the October 21, 2019 Zoning Board of Adjustment Meeting
- ♦ Minutes of the July 20, 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. BOA20.08 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS filed by Christopher Martinez for a residential variance to construct a detached carport/accessory building which is not allowed per Ordinance, on his property at 607 Buckboard.

PLEASE SILENCE ALL CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Christopher Martinez.

ITEM 2. **BOA20.09- Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Edwin Rodriguez for a residential special exception on placement of a fence on or beyond the building line on his property at 839 Johnson Lane.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Edwin Rodriguez.

ITEM 3. **BOA20.10 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6 NUMBER AND SIZE OF ACCESSORY BUILDING filed by L. Shane Causey for a residential variance to construct an accessory building in excess of the maximum allowed amount per Ordinance, on his property at 605 Clinton St. **APPLICANT WITHDREW THE APPLICATION.**

DISCUSSION/ACTION – Consideration of requested **Variance** filed by L. Shane Causey. **APPLICANT WITHDREW THE APPLICATION.**

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 **September 21, 2020 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 18th day of September 2020, prior to 6:00 p.m.

G Miller
G Miller
City Secretary

DATE OF POSTING:
DATE TAKEN DOWN:

Sept. 18, 2020

TIME: 11:00 am/pm
TIME: am/pm



CITY OF OVILLA MINUTES
Monday, October 21, 2019
Board of Adjustment Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:00 p.m. and called roll with the following BOA members announcing their presence thus constituting a quorum:

Barbara Betik	Board Member
Richard Ware	Board Member
Patricia Halyard-King	Board Member
Mark Clark	Alt. Board Member

Vice Chair Heimbuch was noted absent.

Comments, Presentation, Reports and/or Appointments

None

CONSENT ITEMS

Minutes of the September 16, 2019 Board of Adjustment Meeting

PL3 Betik moved to approve the Minutes as presented, seconded by PL5 Ware.

Record vote was called:

Record Vote:

BETIK	<u>AYE</u>
WARE	<u>AYE</u>
CLARK	<u>AYE</u>
RICHTSMEIER	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

PUBLIC HEARING
&
INDIVIDUAL CONSIDERATION

ITEM 1. BOA 201819.13 – Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Alvino Adame for a residential special exception for a fenced that is on or beyond the building line of his property at 101 Slippery Rock.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:09 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 this property is a corner lot, and if they were to build behind the building line, they would lose 50 feet of their property. Discussion was directed on how the fencing will be all around the

Chair Carol Richtsmeier, PL1

Patricia Halyard-King, PL2

Barbara Betik, PL3

Vice Chair Stephanie Heimbuch, PL4

*Richard Ware, PL5
Steven Miner, PL6 Alt.
Mark Clark, PL7 Alt.*

CITY OF OVILLA MINUTES
Monday, October 21, 2019
Board of Adjustment Meeting

home. Visibility was also questioned and the possible obstruction, C/O Dooly confirmed there would be none.

(Testimony that followed was under proper oath; Applicant)

The applicants reiterated Mr. Dooly's statements, explaining that the original fencing was put up 20 years ago for their kids for security and privacy. Now it is dilapidated and needing to replace for their grandchildren. The main concern is losing the 50 feet of additional property.

Richtsmeier asked that those speaking in support of the request to please step to the podium:
None.

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

Susan Walker – 103 Slippery Rock Ct. – does not want fence that close to the street due to safety.

Janice Wessa – 108 Ridgeway Gap – agree with previous citizens comments. Too big for the safety of the neighborhood.

The Public Hearing was closed at 7:44 p.m.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Alvino Adame.

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.

PL7 Clark moved that the BOA APPROVE the request for Alvino Adame for a special exception as requested on his property as requested in BOA 201819.13.

PL3 Betik seconded the motion.

Record vote was called:

Record Vote:

BETIK	<u>AYE</u>
WARE	<u>AYE</u>
CLARK	<u>AYE</u>
RICHTSMEIER	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:58 p.m.

Chair Carol Richtsmeier

ATTEST:

G Miller, City Secretary

Attachment(s): Findings of Fact

Approved on September 21, 2020

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

Richard Ware, PL5
Steven Miner, PL6 Alt.
Mark Clark, PL7 Alt.



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

Applicant: ALVINO ADAME
Address: 101 SLIPPERY ROCK

Case Number: BOA201819.13

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		AYE	
RICHARD WARE		AYE	
STEPHANIE HEIMBUCH			
CEDRIC GOREE RESIGNED			
BARBARA BETIK		AYE	
PATRICIA HALYARD-KING (ALT)			
MARK CLARK (ALT)		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

CITY OF OVILLA MINUTES
Monday, July 20, 2020
Board of Adjustment Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:00 p.m. and called roll with the following BOA members announcing their presence **via teleconference**, thus constituting a quorum:

Barbara Betik	Board Member
Patricia Halyard-King	Board Member
Mark Clark	Alt. Board Member
Steven Miner	Alt. Board Member

Comments, Presentation, Reports and/or Appointments

Oath of Office was presented prior to the scheduled meeting:
Incumbent members Patricia Halyard- King, PL2
New member Steven Miner, PL6

City Secretary Glennell Miller and Code Enforcement Officer Mike Dooly were present.

PL5 Richard Ware and PL4 Stephanie Heimbuch were noted absent.
The Pledge of Allegiance was led at this time.

CONSENT ITEMS

None

PUBLIC HEARING
&
INDIVIDUAL CONSIDERATION

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

The nomination of Carol Richtsmeier was given by PL3 Betik.
Being no other nominations, the motion was made:

PL3 Betik moved that the BOA appoint Carol Richtsmeier, PL1 as Chair to the Zoning Board of Adjustment.

PL2 Halyard-King seconded the motion.

Record vote was called:

Record Vote:

BETIK	<u>AYE</u>
MINER	<u>AYE</u>
HALYARD-KING	<u>AYE</u>

Chair Carol Richtsmeier, PL1

Patricia Halyard-King, PL2

Barbara Betik, PL3

Vice Chair Stephanie Heimbuch, PL4

Richard Ware, PL5
Steven Miner, PL6 Alt.
Mark Clark, PL7 Alt.

CITY OF OVILLA MINUTES
Monday, July 20, 2020
Board of Adjustment Meeting

RICHTSMEIER AYE

VOTE: The motion to APPROVE carried 4-0.

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

The nomination of Patricia Halyard-King, PL2 was given by PL3 Betik.
Being no other nominations, the motion was made:

PL3 Betik moved that the BOA appoint Patricia Halyard-King, PL2 as Vice - Chair to the Zoning Board of Adjustment.

Chair Richtsmeier seconded the motion.

Record vote was called:

Record Vote:

BETIK	<u>AYE</u>
MINER	<u>AYE</u>
HALYARD-KING	<u>AYE</u>
RICHTSMEIER	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

ITEM 3. **BOA2020.07 - 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 at 741 Westmoreland.

***Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:11 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 home is a new construction home, and requesting a fence to be constructed to the property line. It will be an open air, rod iron fence at the front of the property. Along the back of the property will be wood fencing. If the appeal is not granted the applicant would lose approximately 90' (foot) of property. This property is on a major thoroughfare.

(Testimony that followed was under proper oath; Applicant)

The applicant reiterated Mr. Dooly's statements, as well as adding the fencing would be in keeping with the neighbors surrounding the property.

Richtsmeier asked that those speaking in support of the request to please step to the podium:
None.

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

None

(Rebuttal or Final Comments:)

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

Richard Ware, PL5
Steven Miner, PL6 Alt.
Mark Clark, PL7 Alt.

CITY OF O'VILLA MINUTES
Monday, July 20, 2020
Board of Adjustment Meeting

None

The Public Hearing was closed at 7:19 p.m.

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

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.

PL3 Betik moved that the BOA APPROVE the request for Louis Waggoner for a special exception as requested on his property as requested in BOA 2020.07.

PL6 Miner seconded the motion.

Record vote was called:

Record Vote:

BETIK	<u>AYE</u>
MINER	<u>AYE</u>
HALYARD-KING	<u>AYE</u>
RICHTSMEIER	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:22 p.m.

Chair Carol Richtsmeier

ATTEST:

G Miller, City Secretary

Attachment(s): Findings of Fact

Approved on September 21, 2020

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

Richard Ware, PL5
Steven Miner, PL6 Alt.
Mark Clark, PL7 Alt.



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

TOTALS:

4
0
0

FOR
AGAINST
ABSTAIN

The special exception is hereby:

✓ granted denied

Carol Richtsmeier
Presiding Officer of BOA

DATE

Attest:

Cathy Gaeta
City or Board Secretary

DATE

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

DISCUSSION & ACTION

Meeting Date: September 21, 2020

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
ITEM 1. BOA20.08 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS filed by Christopher Martinez for a residential variance for a to construct a detached carport/accessory building on his property at 607 Buckboard.	
Discussion / Justification:	
APPLICANT:	Christopher Maritnez
LOCATION:	607 Buckboard
ZONING:	RE Residential 1 Acre
Applicant's Proposal: <i>Applicant requests to build a detached carport/accessory building.</i>	
Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORTS, states:	
A. <u>Prohibition</u> . Free standing carports are not permitted.	
BOARD DISCUSSION: The Board is allowed to grant a Variance under certain circumstances & after review of the Findings of Fact form.	
NOTICES: One public notice listed in the The Waxahachie Daily Light 14 certified letters mailed. There have been no response.	
N/A	
Sample Motion(s):	
"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO CHRISTOPHER MARTINEZ TO CONSTRUCT A DETACHED CARPORT ON HIS PROPERTY AT 607 BUCKBOARD AS PRESENTED IN BOA20.08."	



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 #	2020-0548	Valuation:	\$3,200.00
Zoning:		Valuation w/ Land:	\$0.00
Project Address:	607 BUCKBOARD ST		
Lot:	Block: F	Subdivision:	
<u>Project Description:</u>			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building Yes		
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence		
Roof			
Other	Specify Other:		
Proposed Use:	BACKYARD FOR COVERING OF VEHICLES		
Description of Work:	30X20X9 CARPORT <i>20 x 20 x 9</i>		
<u>Area Square Feet:</u>			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

Homeowner Details

Name: CHRISTOPHER & MELINDA MARTINEZ
Address: 607 BUCKBOARD ST, OVILLA, TX 75154
Phone # Email:

Applicant Details

Applicant Type: Owner
Name: CHRISTOPHER MARTINEZ
Address: ,
Phone # (817) 690-9575 Email:

General Contractor Details**License #****Name:** JOSE**Phone #** (214) 469-7899 **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

105 S. Cockrell Hill Rd., Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Permit No. 2020-0548

Location: 607 BUCKBOARD ST

Description: 80X20X9 CARPORT

Owner: CHRISTOPHER & MELINDA MARTINEZ

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site

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:

548

Valuation:

\$ 3,200

Zoning:

Valuation w/land:

Project Address:

Lot:

Subdivision:

Project Description: NEW SFR

SFR REMODEL/ADDITION

PLUMBING/ELECTRICAL

FLATWORK

SWIMMING POOL

ACCESSORY BUILDING

SPECIFY OTHER:

Carport

SPRINKLER

FENCE

Proposed Use:

Back yard for covering of vehicles

Description of Work:

30x20x9 Carport + 20x20x9

Area Square Feet:

Covered

Living:

Garage:

Porch:

Total:

Number of stories:

Homeowner's name:

Christopher L. Martinez

Address:

607 Buckboard Street

Phone Number:

817-690-9575

Home Number

Mobile Number:

General Contractor	Contact Person	Phone Number	Contractor License Number
	Jose	214-469-7899	
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: Christopher L. Martinez

Date: 7-20-20

OFFICE USE ONLY:

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

Plan Review Fee:

Receipt #

Total Fees:

Issued Date:

Building Permit Fee:

Park Impact Fee:

Expires: 180 Days

Capital Recovery Fee:

Issued By:

Fire Meter:

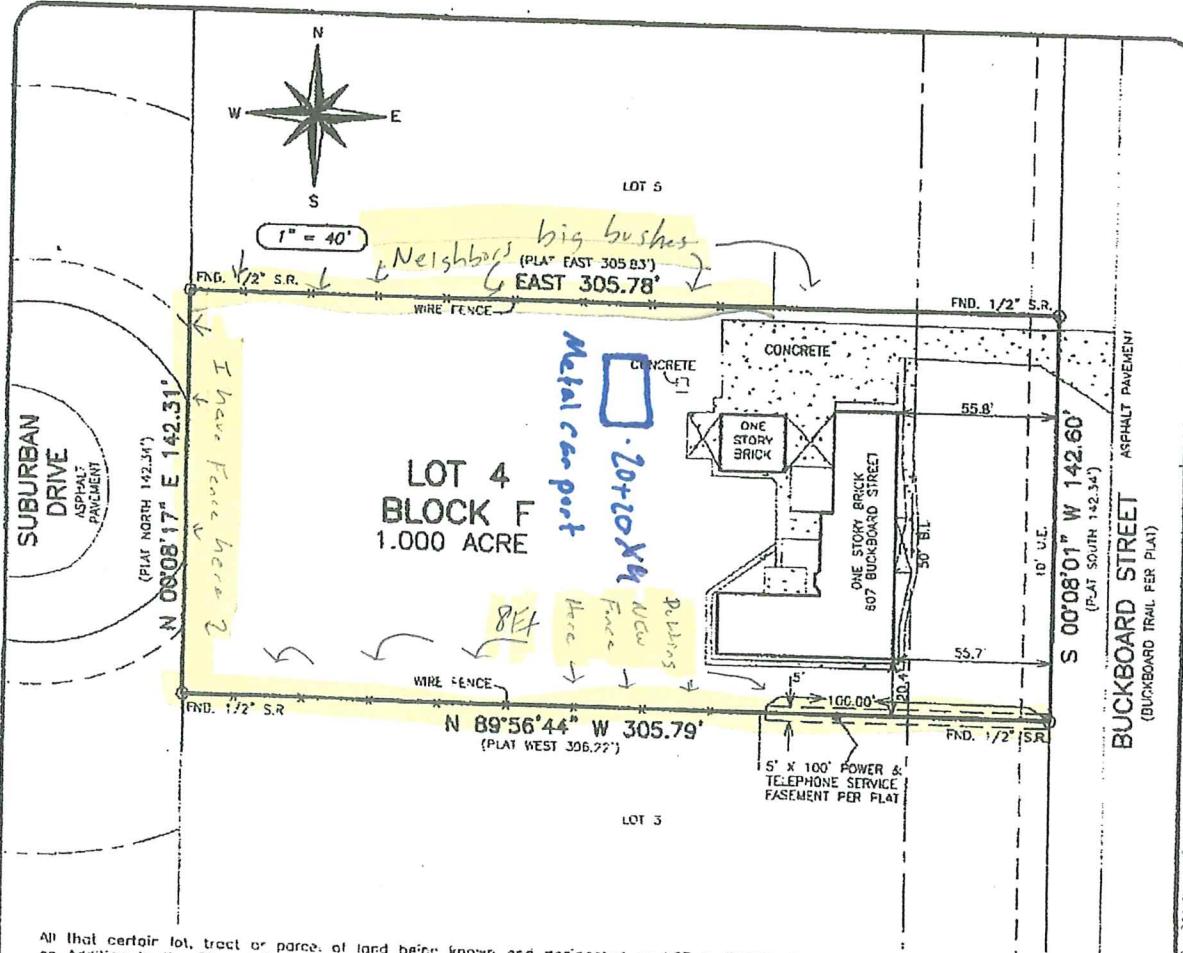
Water Meter Cost:

Water Impact:

Sewer Connection Fee:

Sewer Impact:

BV Project #



All that certain lot, tract or parcel of land being known and designated as LOT 4, BLOCK F WESTMORELAND ROAD ESTATES NO. 4, an Addition to the City of Ovilla, Ellis County, Texas, according to the plat thereof recorded in Cabinet A, Slides 777 and 778, Plat Records, Ellis County, Texas.

(also known as 607 Buckboard Street)

The plot herein reflects a survey made on the ground and is true, correct and accurate as to the boundaries and areas of the herein, and correctly shows the location of all visible easements and rights-of-way. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantees that the utilities shown compromise or such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey. Except as shown encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further declare that no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas, Map # 4813900080 0, Zone X. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 3 Survey. This survey was prepared for title purposes in conjunction with Ellis County Abstract & Title Co. Commitment for Title Insurance, G.F. No. 1211107, dated: December 6, 2012. The easements, rights-of-way, or other exceptions noted herein are according to the Schedule E provided. The surveyor has not obstructed the property. Based on the easements and/or deeds provided by the title company, the following do not appear to effect the subject property:

T.P. & L. Co. 332/432, 560/931 & 584/957 DREC

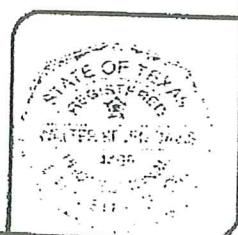
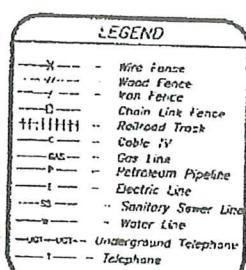


THIS SURVEY IS VALID
ONLY WITH ORIGINAL
Walter Haven Davis
Registered Professional Land Surveyor #4466 SIGNATURE IN RED INK

DAVIS & McDILL Inc.

(A Texas licensed surveying firm # 101504-00)
P.O. BOX 428, Waxahachie, Texas 75168
Phone: Metro 972-938-1185 Fax: 972-937-0307

Description Survey Plat Client: Ellis County Abstract & Title Co. G.F. # 1211107
Drawn by: Kevin Huber Scale: 1" = 40' Date: 12-12-12 Job# 212-0643





Accessory Building Permit Checklist

DATE 7-23-2020

OWNER Martine & Christopher

ADDRESS 607 Buckboard

1. Permit Signed by property owner Yes No
2. Use of building Carport Yes No
3. Plot plan with survey stamp Yes No
4. Building Material Brick Stone Hardiplank Wood Other
5. Roof Material _____
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 _____
13. Size of property .229
14. Total square footage 400 Total square footage allowed 1100
15. Variance required Yes No

Approved Denied Reason

*1. Detached Carport ?
NOT Allowed*

DATE Mike Dooley

Chapter 14

NAME 7-30-2020

30.8

*A. Prohibition. Freestanding
Carports Are NOT permitted.*

Variance Request –

Detached Carport

Christopher Martinez
607 Buckboard
Ovilla ,Texas 75154

Chapter 14 Ovilla Code of Ordinance

30.8 CARPORTS

- A. **Prohibition.** Freestanding carports are not permitted.
- B. **Exceptions.** A carport is permitted if the following conditions are met:
 1. It is designed as an integral part of a detached garage or dwelling unit;
 2. The roofline of the main building and the carport are integrated and shingled as appears on the entire house; and
 3. It is constructed on the side or rear of the main structure.
- C. **Calculation of Area.** If a carport is attached to a detached garage or residential accessory building, that area underneath the covering of a carport will be applied to the total square footage allowed in Table 30.A Number and Size of Accessory Buildings.



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 20.08



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, I have multiple cars (6) and 3 of them are show car quality and the sun is destroying them.

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.

Most of my investments are in 88-98 Chevy & GMC trucks, and I have 3 trucks I have restored for my enjoyment for now and in the future would sell for top dollar, need carport for protection of the Texas Sun.

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, there are several houses in my neighborhood that have carports, and the main purpose for car ports is to cover cars from sun

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. _____

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. 3

Property Address 607 Buckboard St.

Block No. F

Ovills Tx, 75154

Zoning RE 1AC

The Applicant, Chris Martinez, 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.

Looking for Ovilla Zoning Ordinance to grant me variance to have a carport put in my back yard where no one would be able to see so I can cover my investments from the Texas Sun. I collect and restore trucks on my free time and would like to have them protected, so please allow me to have this one carport put in my backyard, my yard is completely fenced where visibility is minimal.

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 Chris Martinez of 607 Buckboard st.
(Applicant's agent) (Address)

817690-9575, to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

Applicant's Name Christopher Martinez

Mailing Address 607 Buckboard st.
Ovilla Tx, 78154

Telephone (Hm) 817-690-9575

Telephone (Wk) 469-575-0062

Email chris@schoonoveroil.com

Chris Martinez 7-28-20
Applicant's signature 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: CHRISTOPHER MARTINEZ
Address: 607 BUCKBOARD

Case Number: BOA20.08

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.8 CARPORTS 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 Steven Miner			
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: September 21, 2020

Attachments:	
1. Permit Application	
2. Special Exception Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
ITEM 2.	BOA20.09 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 <u>FENCES IN RESIDENTIAL DISTRICTS</u> filed by Edwin Rodriguez for a residential special exception for a fence that is on or beyond the building line on his property at 839 Johnson Lane.
Discussion / Justification:	
APPLICANT:	Edwin Rodriguez
LOCATION:	839 Johnson Lane
ZONING:	RC Residential 5 Acres
Applicant's Proposal: Applicant requests to place his fence on or beyond the building line.	
Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 35.3, <u>FENCES IN RESIDENTIAL DISTRICTS</u> , states:	
Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.	
BOARD DISCUSSION: The Board is allowed to grant a Special Exception under certain circumstances & after review of the <i>Findings of Fact</i> form.	
NOTICES: One public notice listed in the The Waxahachie Daily Light 7 certified letters mailed. There have been one response in favor.	
N/A	
Sample Motion(s):	
"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO EDWIN RODRIGUEZ TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON HIS PROPERTY AT 839 JOHNSON LANE AS PRESENTED IN BOA20.09."	



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 #	2020-0534	Valuation:	\$13,000.00
Zoning:	Resident	Valuation w/ Land:	\$295,000.00
Project Address:	839 JOHNSON LN	Subdivision:	
Lot:	Block:		
Project Description:			
New SFR	Flatwork		
Plumbing/Electrical	Accessory Building		
Swimming Pool	Sprinkler		
SFR Remodel/Addition	Fence	Yes	
Roof			
Other	Specify Other:		
Proposed Use:	FENCE		
Description of Work:	Front gate/ fence		
Area Square Feet:			
Living:	1350	Garage:	2
Total:	1352.00	Covered Porch:	
# of Stories:			

Homeowner Details

Name: EDWIN & ADALEE M RODRIGUEZ
Address: 5272 WOODFIELD DR, GRAND PRAIRIE, TX 75052
Phone # (214) 926-7837 Email: ed_guitarman08@yahoo.com

Applicant Details

Applicant Type: Owner
Name: Edwin Rodriguez
Address: 839 Johnson Ln Ovilla, TX 75154
Phone # (214) 926-7837 Email: ed_guitarman08@yahoo.com

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: \$25.00****Building Permit Fee: \$25.00****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

105 S. Cockrell Hill Rd., Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Permit No. 2020-0534

Location: 839 JOHNSON LN

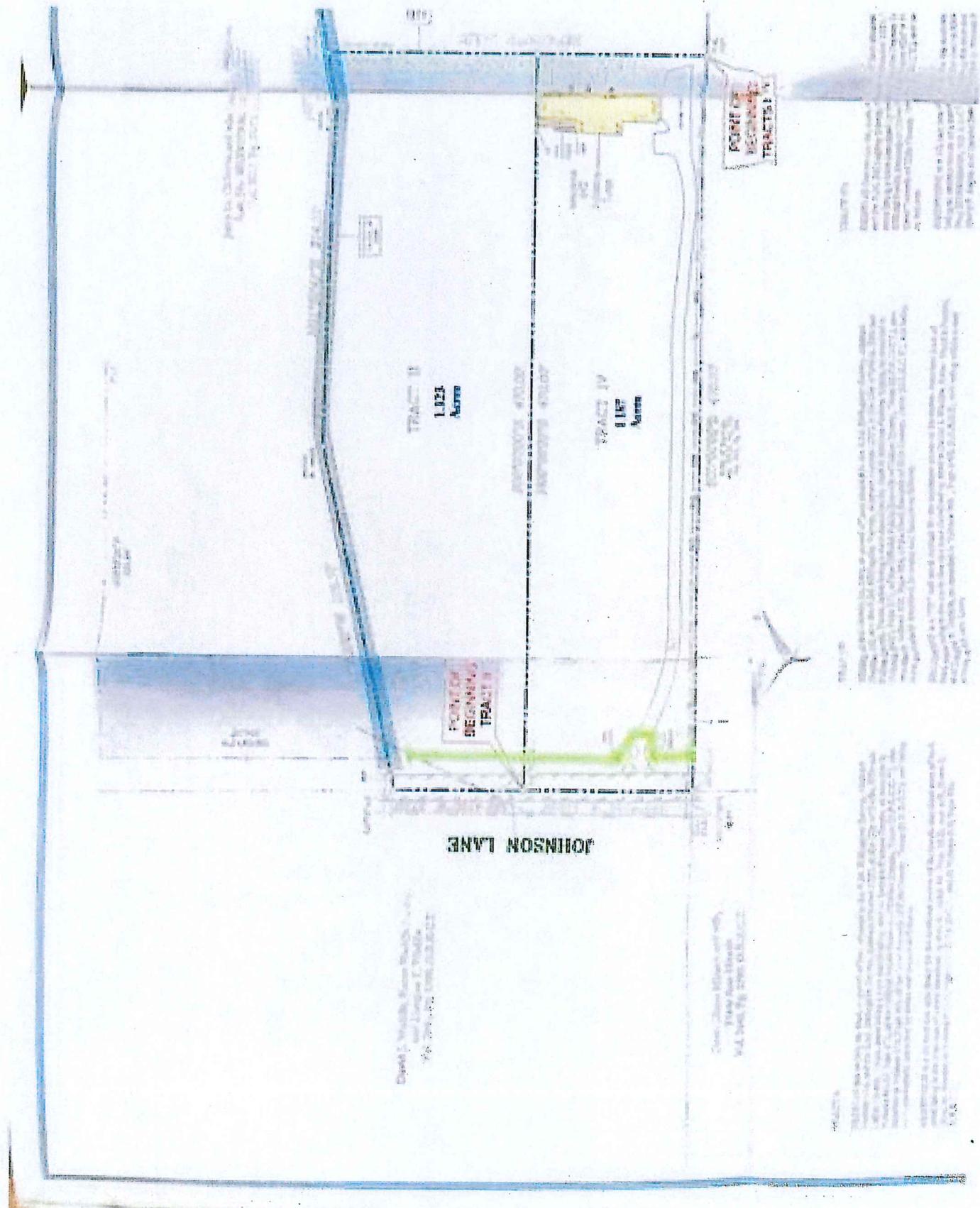
Description: Front gate/ fence

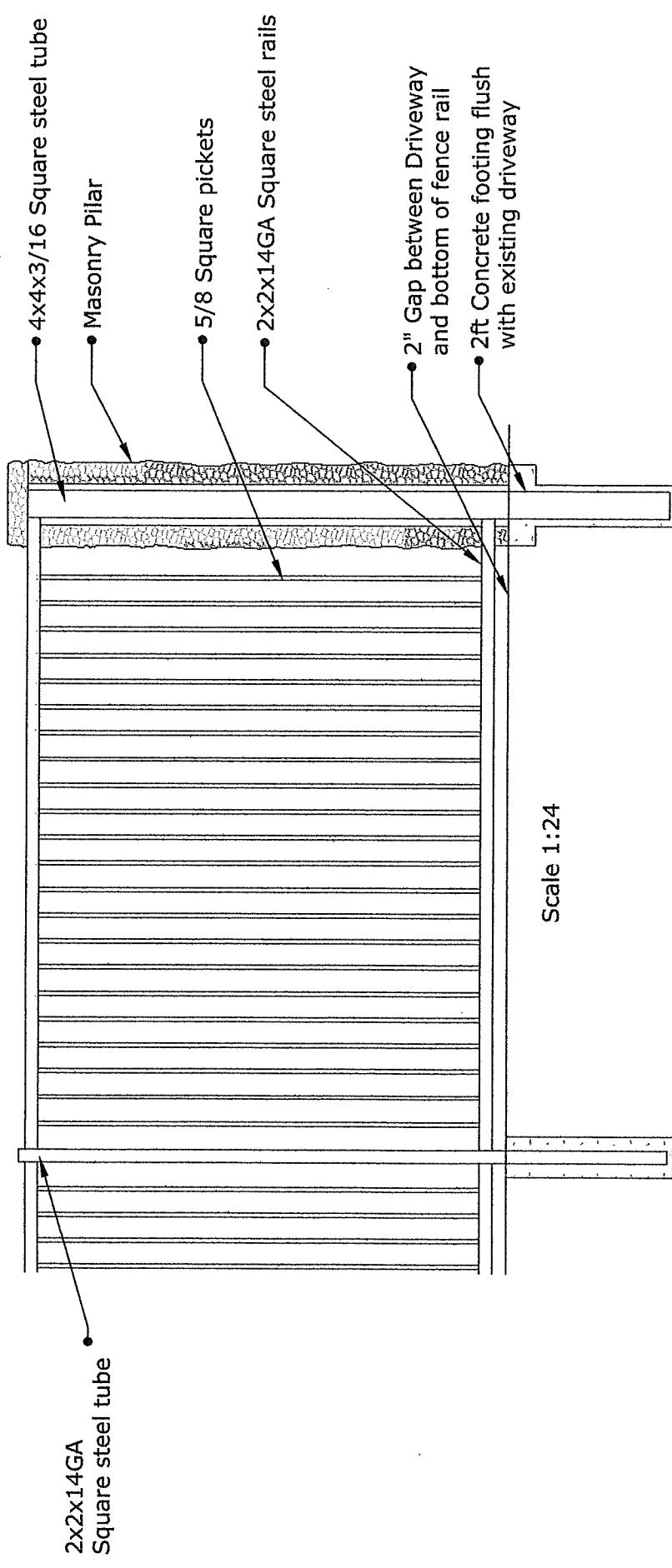
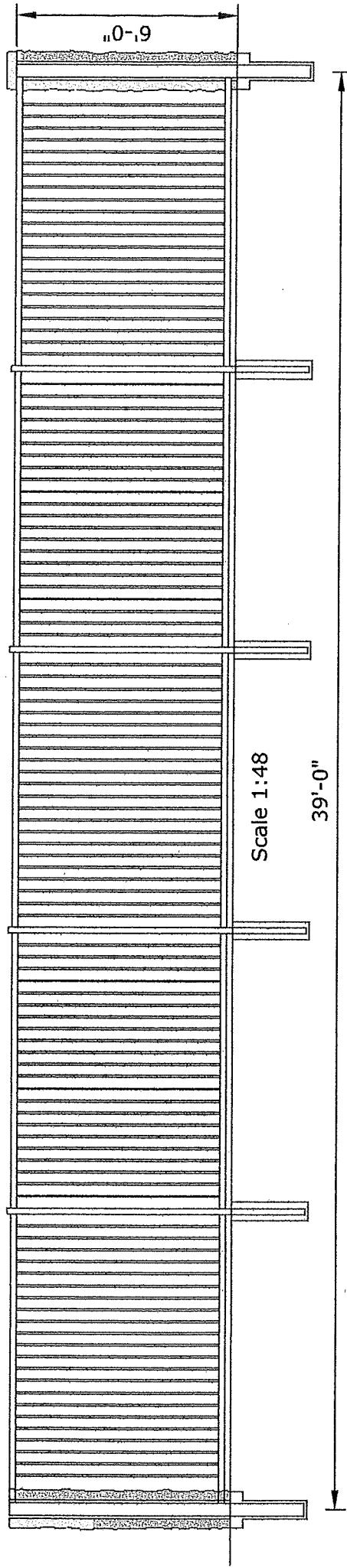
Owner: EDWIN & ADALEE M RODRIGUEZ

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site







Fence Construction Permit Checklist

DATE 7-22-2020

OWNER Rodriguez Edwin

ADDRESS 839 Johnson

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

Board of Adjustment Variance Required Yes No

Approved Denied Reason Fence constructed to front
Building line

DATE 7-22-2020

NAME Mike Dooley

special exception required

Edwin and Adalee Rodriguez

839 Johnson Lane

Ovilla Texas 75154

Special Exception Ordinance

Chapter 14

Code Of Ordinance

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.

AUG 6 2020

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR A
SPECIAL EXCEPTION

TO THE OVILLA BOARD OF ADJUSTMENT



ORDINANCE 2010.023

This instruction page is provided for your information and aid in filling out this **SPECIAL EXCEPTION** request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following three conditions must be found to exist by the Board of Adjustment in order for a **SPECIAL EXCEPTION** request to be granted. They are:

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and
2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and
3. That the **SPECIAL EXCEPTION** will be wholly compatible with the used and permitted development of adjacent properties.

Condition 1 requires that if the special exception is granted, it may not be against the public interest. "Public Interest" for **SPECIAL EXCEPTIONS** is defined as the well-being of the general public, with specific attention on those members of the public that could be directly affected by the proposed special exception.

Condition 2 requires that the enforcement of a zoning regulation causes an "unnecessary hardship." The hardship must be caused by the property itself, for reasons such as narrowness, shallowness, shape, topography or other physical conditions related to the property. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only, and must relate to the very property for which the **SPECIAL EXCEPTION** is sought.

Condition 3 requires that if the Board of Adjustment grants the **SPECIAL EXCEPTION** as requested, it will not grant a privilege in conflict with other provisions of the ordinance.

The burden of showing these three conditions is on the applicant/owner. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation. (All photos, documents, etc submitted will become part of the permanent file of the City of Ovilla.)

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

DATE: 8/4/20
Case No. BOA. 20.09

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. 1337 R Billingsley

Property Address 839 JOHNSON LN

Block No. _____

OVILLA TX 75154

Property Zoned RC

OWNER OF PROPERTY EDWIN RODRIGUEZ

APPLICANT _____

SPECIAL EXCEPTION Constructing Fence to front property line



Case No. _____

The Applicant/Owner, EDWIN RODRIGUEZ, of ELLIS County, requests that the Ovilla Board of Adjustment grant the following **SPECIAL EXCEPTION** to Article 14, Chapter 35.3 D1 of the Ovilla Zoning Ordinance. Please state in detail what type of **SPECIAL EXCEPTION** you are seeking, attach additional sheets if necessary.

TO CONSTRUCT A FENCE TO THE FRONT PROPERTY LINE
WITH GATE

Has a previous 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 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 Edwin Rodriguez

Mailing Address 839 Johnson Ln
OILLA TX 75154

Telephone (Hm) _____

Telephone (Wk) (214) 926-7837

Email ed-guitarman08@yahoo.com

 _____

Applicant's signature

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: _____

Case No. _____

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXCEPTION

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

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

Fencing will serve as a barrier between the street and 839 Johnson Lane's tenants. Fencing will ensure curb appeal & safety for animals on the property

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

Fencing is essential for the safety of tenant and animals. Current fencing from previous tenant is old, broken down and a hazard for current tenants.

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

- Current fencing is old and broken down.
- New fencing will ensure a barrier of safety.

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.





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

Applicant: EDWIN RODRIGUEZ
Address: 839 JOHNSON LANE

Case Number: BOA 20.09

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

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

BOA Members present, and upon a record vote of:

FOR AGAINST ABSTAIN

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

TOTALS:

— FOR
— AGAINST
— ABSTAIN

The special exception is hereby:

— granted — denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 4

DISCUSSION & ACTION

Meeting Date: September 16, 2019

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