

Chair Carol Richtsmeier, PL1
Vice Chair, 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

AGENDA

Board of Adjustment Meeting
Via: Teleconference Only
DECEMBER 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, December 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: 965 4534 1953

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

<https://zoom.us/j/96545341953>

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, December 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 19, 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.

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

Individual Consideration

ITEM 1. **BOA20.11 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Marissa Dimas for a residential special exception on placement of a fence on or beyond the building line on her property at 206 Johnson Lane.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Marissa Dimas.

ITEM 2. **BOA20.12 - 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 Justin Smith for a residential variance to build an accessory building over the allowed square feet on his property located at 338 Johnson Lane.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Justin Smith.

ITEM 3. **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 **December 21, 2020 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 17th day of December 2020, prior to 6:00 p.m.

Cathy Gaeta
Cathy Gaeta
Deputy City Secretary

DATE OF POSTING: 12/17/2020 TIME: 1:00 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm



CITY OF OVILLA MINUTES
Monday, October 19, 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
Stephanie Heimbuch	Board Member
Steven Miner	Alt. Board Member

PL5 Richard Ware and ALT PL7 Mark Clark were noted absent. City Secretary, Glennell Miller, Deputy City Secretary, Cathy Gaeta, and Code Enforcement Officer, Mike Dooly were present.

The Pledge of Allegiance was led at this time.

CONSENT ITEMS

FY 2020-2021 Calendar of Meetings

PL3 Betik moved that the BOA APPROVE the request for consent item as presented.
PL4 Heimbuch seconded the motion.

Record vote was called:

Record Vote:

PL 1 Richtsmeier	<u>AYE</u>
PL 2 Halyard-King	<u>AYE</u>
PL 3 Betik	<u>AYE</u>
PL 4 Heimbuch	<u>AYE</u>
ALT PL 6 Miner	<u>AYE</u>

VOTE: The motion to APPROVE carried 5-0.

PUBLIC HEARING & 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.

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

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, October 19, 2020
Board of Adjustment Meeting

PL3 Barbara Betik recused herself due to being next door neighbor.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:13 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 carport would have limited view from the front of the property.

(Testimony that followed was under proper oath, Applicant)

The applicant reiterated Mr. Dooly's statements, adding that the carport would be for protection of cars/trucks that he collects.

(Richtsmeier asked if there were any speaking in support)

One letter in support and another letter in support upon completion of fence.

(Chair Richtsmeier asked that those speaking in opposition of the request)

None

(Rebuttal or Final Comments:)

None

The Public Hearing was closed at 7:22 p.m.

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

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.

PL2 King moved that the BOA APPROVE the request for Chris Martinez for a variance as requested on his property as requested in BOA 2020.08.

PL4 Heimbuch seconded the motion.

Record vote was called:

Record Vote:

PL 1 Richtsmeier	<u>AYE</u>
PL 2 Halyard-King	<u>AYE</u>
PL 4 Heimbuch	<u>AYE</u>
ALT PL 6 Miner	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:27 p.m.

Chair Carol Richtsmeier

ATTEST:

Cathy Gaeta, Deputy City Secretary
Attachment(s): Findings of Fact

Approved on December 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 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	Aye		
Member Richard Ware	- ABSENT		
Member Barbara Betik			Recused
Member Patricia Halyard-King	Aye		
Member Stephanie Heimbuch	Aye		
Alt. Member Steven Miner	Aye		
Alt. Member Mark Clark	- ABSENT		

TOTALS:

4 FOR
0 AGAINST
1 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: 1

PUBLIC HEARING & DISCUSSION

Meeting Date: December 21, 2020

Attachments:	
1. Permit Application	
2. Special Exception Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
ITEM 1.	BOA20.11 - 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 Marissa Dimas for a residential special exception for a fence that is on or beyond the building line on her property at 206 Johnson Lane.
Discussion / Justification:	
APPLICANT:	Marissa Dimas
LOCATION:	206 Johnson Lane
ZONING:	RC Residential 5 Acres
Applicant's Proposal:	
Applicant/owner of said property, requests to place her 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 Findings of Fact form.	
NOTICES: One public notice listed in The Ellis County Press and 11 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 MARISSA DIMAS TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON HER PROPERTY AT 206 JOHNSON LANE AS PRESENTED IN BOA20.11."	

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:	586	Valuation:	8,000
Zoning:	Valuation w/land:		
Project Address:	206 Johnson Ln		
Lot:	Subdivision:		
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: _____
	PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>
	SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input type="checkbox"/>	FENCE <input checked="" type="checkbox"/>
Proposed Use:	Security fence at the front of property		
Description of Work:	Stone fence wall with stone columns		
Area Square Feet:	Covered	Total:	Number of stories:
Living:	Garage:	Porch:	

Homeowner's name:	Marissa Dimas		
Address:	206 Johnson Ln.		
Phone Number:	Home Number	Mobile Number:	214-394-6383

General Contractor	Contact Person	Phone Number	Contractor License Number
Homeowner			
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: Marissa Dimas Date: 10-13-2020

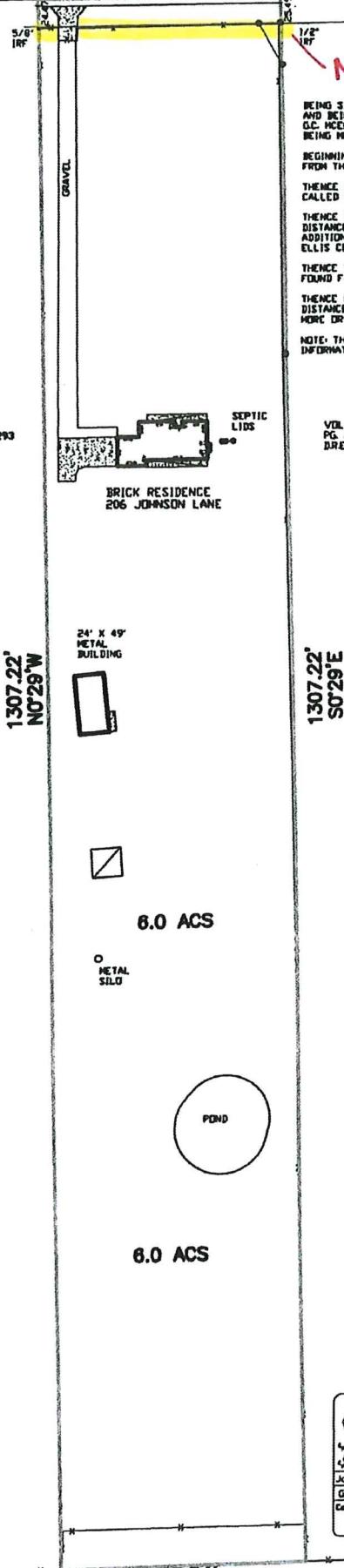
OFFICE USE ONLY:

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:		180 Days
Fire Meter:		Issued By:
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:	BV Project #	
Sewer Impact:		

P.O.B.

JOHNSON LANE



LEGEND	
<input checked="" type="checkbox"/>	POWER POLE
<input checked="" type="checkbox"/>	WOOD DECK
<input checked="" type="checkbox"/>	CONCRETE
<input checked="" type="checkbox"/>	GRAVEL
<input checked="" type="checkbox"/>	BRICK
<input checked="" type="checkbox"/>	ASPHALT
<input checked="" type="checkbox"/>	STONE
<input checked="" type="checkbox"/>	ACQUA THERM
<input checked="" type="checkbox"/>	IRON
<input checked="" type="checkbox"/>	COVERED AREA
<input checked="" type="checkbox"/>	FOOT BRIDGE
<input checked="" type="checkbox"/>	SWAMPY AREA
<input checked="" type="checkbox"/>	WATER
<input checked="" type="checkbox"/>	WATER LINE
<input checked="" type="checkbox"/>	FENCE
<input checked="" type="checkbox"/>	BUILDING LINE
<input checked="" type="checkbox"/>	EASEMENT LINE
<input checked="" type="checkbox"/>	IRP IRON ROD FOUND
<input checked="" type="checkbox"/>	IRS IRON ROD SET
<input checked="" type="checkbox"/>	PDRK LINE
<input checked="" type="checkbox"/>	PIVOT POINT
<input checked="" type="checkbox"/>	PLV. PLANE OF VAY
<input checked="" type="checkbox"/>	PR. TRANSFORMER & PAD
<input checked="" type="checkbox"/>	UL. UTILITY CEMENT
<input checked="" type="checkbox"/>	TOE WATER
<input checked="" type="checkbox"/>	WATER LINE

JIMMY V. POGUE, INC.
Registered Professional Land Surveyors
400 Main & Hwy 35 Hwy
Dallas, Texas 75201
469-271-1900 Fax
JIMMY V. POGUE RPLS. #3399
Email: jvlp@jvpogue.com
Web: www.jvpogue.com

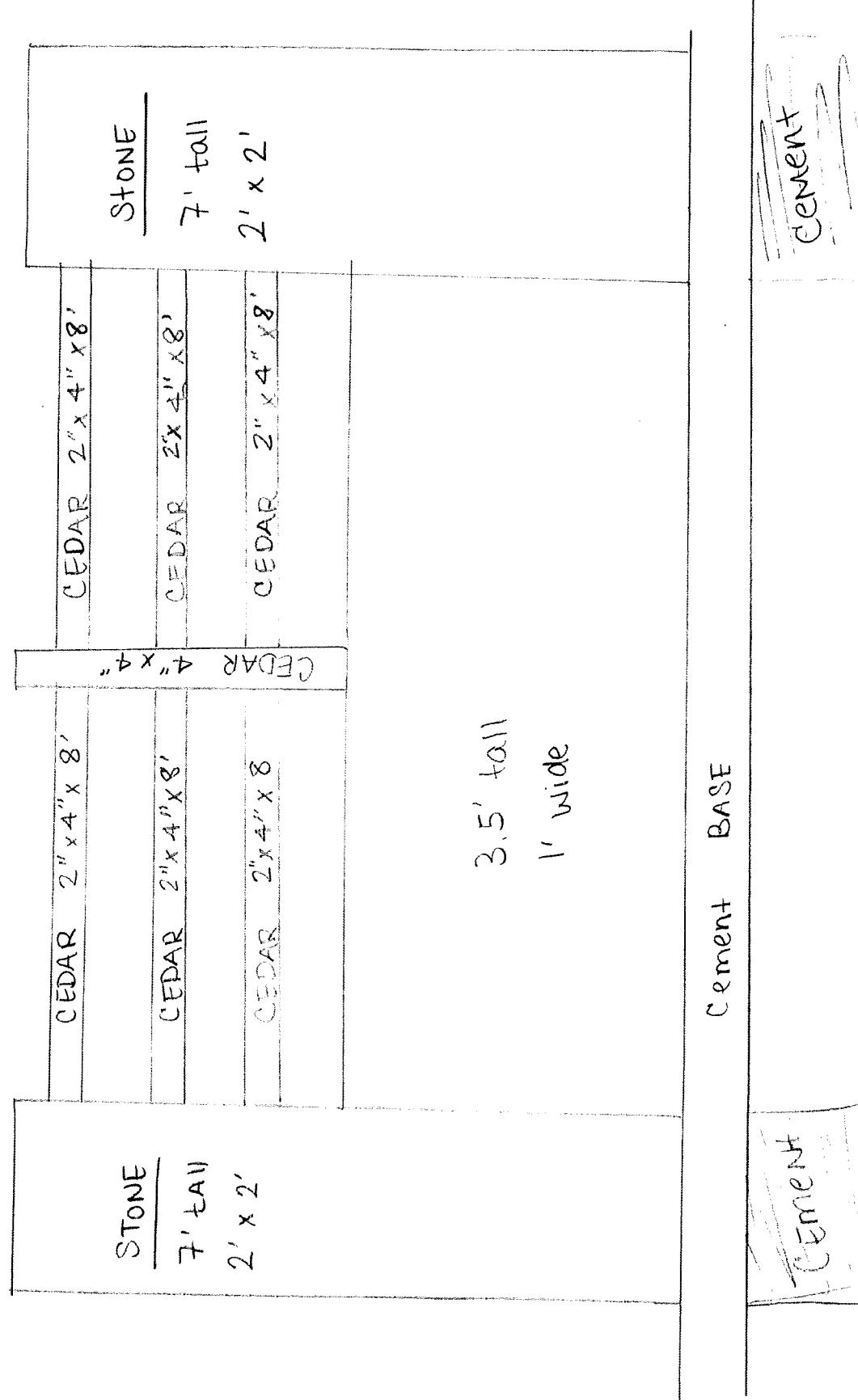
Job Number:	117076	Date:	03-09-16
GF. Number:		Office:	
Certified to:	MARISSE MARIE GONZALES & SOUTHSIDE BANK		
Drawn by: KLS			

Surveyor's Statement: I, Jimmy V. Pogue, RPLS. #3399, do hereby certify that the above survey was made in accordance with the requirements of the Texas Land Surveyor's Law and that the results are true and accurate to the best of my knowledge and belief. I am a registered professional land surveyor and my signature is my professional seal.

Jimmy V. Pogue, RPLS. #3399

2016 Johnson Ln.

BoA 20.11





Residential Building Permit Application

City of Ovilla

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

Building Permit #	2020-0586	Valuation:	\$3,500.00
Zoning:		Valuation w/ Land:	\$381,042.00
Project Address:	206 Johnson Ln	Subdivision:	
Lot:	Block:		
Project Description:			
New SFR	No	Flatwork	
Plumbing/Electrical		Accessory Building	
Swimming Pool		Sprinkler	
SFR Remodel/Addition		Fence	
Roof			
Other		Specify Other:	
Proposed Use:	Construct a fence on my property's building line		
Description of Work:	Install a stone/iron fence on the property's building line.		
Area Square Feet:			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

Homeowner Details

Name: MARISSA M DIMAS
Address: 206 JOHNSON LN, OVILLA, TX 75154
Phone # (214) 394-6383 Email: marissam.dimas@outlook.com

Applicant Details

Applicant Type: Owner
Name: Marissa Dimas
Address: 206 Johnson Ln Ovilla, TX 75154
Phone # (214) 394-6383 Email: marissam.dimas@outlook.com

General Contractor Details**License #****Name:** Marissa Dimas**Phone #** (214) 394-6383 **Email:** marissam.dimas@outlook.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

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

Permit No. 2020-0586

Location: 206 Johnson Ln

Description: Install a stone/iron fence on the property's building line.

Owner: MARISSA M DIMAS

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



Fence Construction Permit Checklist

DATE 10-13-2020

OWNER Dimas, Marissa

ADDRESS 206 Johnson Lane

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>	<u>No</u>
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>	<u>No</u>
10. Fence Material	<u>Wood</u>	Metal Other <u>5 story</u>

Board of Adjustment Variance Required Yes No

Approved Denied Reason Chapter 14 Location

DATE 10/13-2020

NAME Miki Dool

¹⁴
35.3
C. setback

D 1. special Exception
Required

Marissa Dimas

206 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.

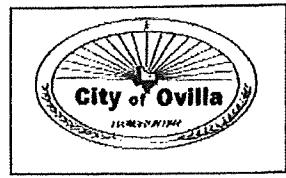
C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

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.

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: 10-13-2020

Case No. BOA 20.11

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. _____

Property Address 206 Johnson Ln

Block No. _____

OVILLA, TX 75154

Property Zoned RC

OWNER OF PROPERTY

Marissa Dimas

APPLICANT

Marissa Dimas

SPECIAL EXCEPTION

Fence Construction at the property line
in front of house



Case No. BOA 20.11

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

7' columns (stone) with 3.5' stone wall across the front of the property. Three cedar boards (2" x 4" x 8') will run across from column to column.

Has a previous appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? N/A



Case No. BoA 20.11

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. B6A 20.11

I have completed the following requirements:

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

I authorize MARISSA Dimas of 206 Johnson Ln
(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 MARISSA Dimas

Mailing Address 206 Johnson Ln
Ovilla, TX 75154

Telephone ~~(Hm)~~ (Cell) 214-394-6383

Telephone (Wk) _____

Email marissam.Dimas@outlook.com

MDimas

10-13-2020

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: _____



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

Applicant: MARISSA DIMAS
Address: 206 JOHNSON LANE

Case Number: BOA 20.11

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: 2

PUBLIC HEARING & DISCUSSION

Meeting Date: December 21, 2020

Attachments:

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

Agenda Item / Topic:

ITEM 2. BOA20.12 - 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 Justin Smith for a residential variance to build an accessory building over the allowed square feet on his property located at 338 Johnson Ln., Ovilla, TX 75154.

Discussion / Justification:

APPLICANT: Justin Smith
LOCATION: 338 Johnson Ln.
ZONING: RE Residential 1 Acre

Applicant's Proposal: *Applicant/owner of said property, requests to construct an accessory building over the allowed square feet*

Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.6, NUMBER AND SIZE OF ACCESSORY BUILDING, states: Table 30.A.

If property is at least 2.0 acres, but less than 5.0 acres – total square footage of all accessory buildings can be 2.0% of lot size or 1,750 feet, whichever is larger, but with a total square footage combined not to exceed 3,850 feet, with no single building greater than 2,000 feet.

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 Ellis County Press; 11 certified letters mailed. There have been no responses.

N/A

Sample Motion(s):

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JUSTIN SMITH TO CONSTRUCT AN ACCESSORY BUILDING OVER THE ALLOWED AMOUNT ON HIS PROPERTY AT 105 DUSTY OAK TRAIL AS PRESENTED IN BOA2020.02."

City of Ovilla

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

BoA 20.12
105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	698	Valuation:	95,000
Zoning:	Valuation w/land:		
Project Address:	338 Johnson Ln, Ovilla 75154		
Lot:	Subdivision:		
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: <input type="checkbox"/>
	PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>
	SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input checked="" type="checkbox"/>	FENCE <input type="checkbox"/>
Proposed Use:	Barn 40'x70'	36'x36'	30'x36'
Description of Work:	Enclosed barn, Lean-to attachment, Equipment barn		
Area Square Feet:	Covered	Porch:	Total: 5176
Living:	Garage:		Number of stories:

Homeowner's name:	Justin & Mikki Smith		
Address:	338 Johnson Ln, Ovilla TX 75154		
Phone Number:	469-323-0508	Home Number	Mobile Number: 469-323-7559

General Contractor	Contact Person	Phone Number	Contractor License Number
AHDable	Jim Rodgers	214-762-8741	
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: 11-12-2020

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: 180 Days
Capital Recovery Fee:		Issued By:
Fire Meter:		
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		BV Project #
Sewer Impact:		

080117R

Being a part of Lot 1 of Newland Addition an Addition to the City of Ovilla, as recorded in Cabinet C Slide 335, Plat Records, Ellis County, Texas, and said part thereof being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found for corner in the South line of Johnson Lane (60' ROW) that is the Northwest corner of said Lot 1;

THENCE East along said South line a distance of 133.28 feet to a $\frac{1}{2}$ " iron rod found for the Northeast corner of said Lot 1;

THENCE South 00 deg. 09 min. 24 sec. East along the East line of Lot 1 a distance of 695.14 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE North 89 deg. 51 min. 40 sec. West and crossing Lot 1 a distance of 133.28 feet to a $\frac{1}{2}$ " iron rod set in the West line of Lot 1;

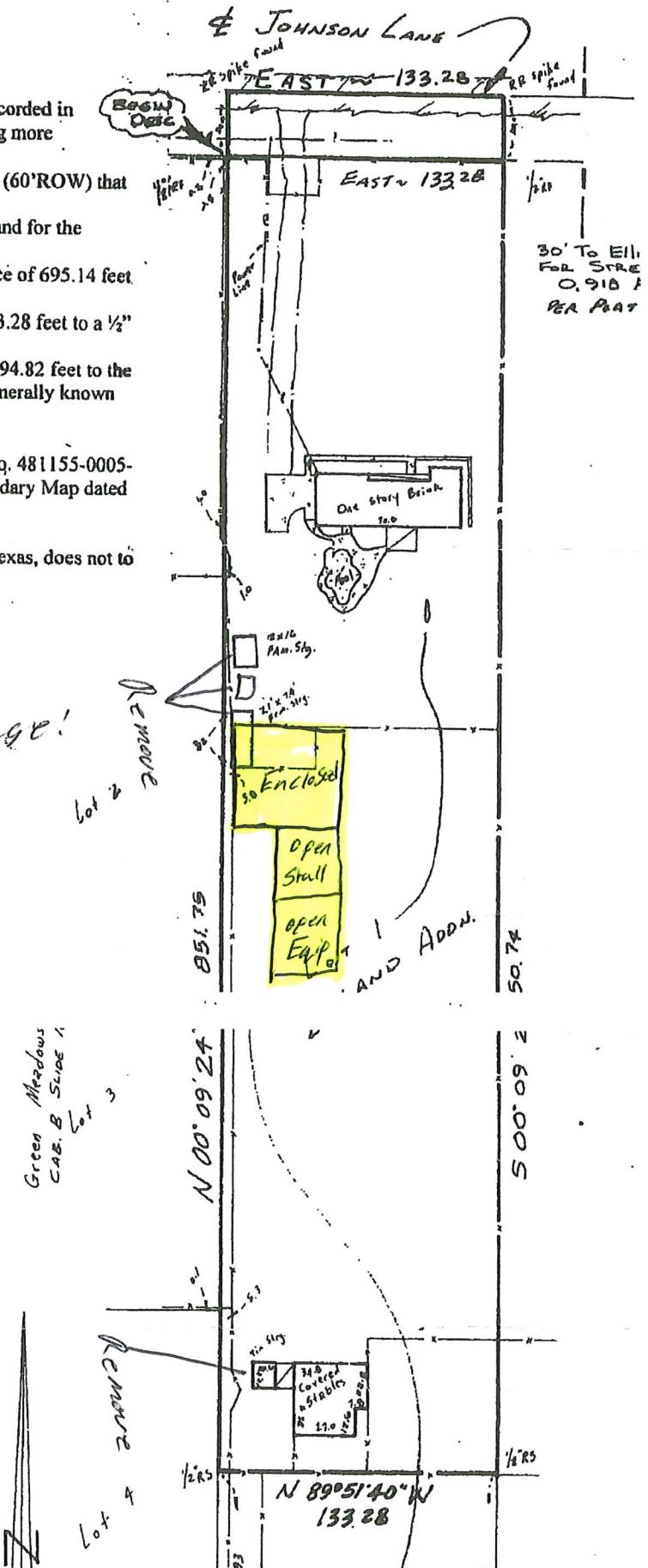
THENCE North 00 deg. 09 min. 24 sec. West along said West line a distance of 694.82 feet to the PLACE OF BEGINNING and containing 2.1264 acres of land and also being generally known as 338 Johnson Lane.

The property shown hereon is located in Zone C according to Community Panel No. 481155-0005-C of the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map dated 1-6-83.

Note: Easement recorded in Volume 424 Page 313, Deed Records, Ellis County, Texas, does not to the best of my knowledge and belief affect the above described property.

Current Total Coverage:

5,855



080117R

Being a part of Lot 1 of Newland Addition an Addition to the City of Ovilla, as recorded in Cabinet C Slide 335, Plat Records, Ellis County, Texas, and said part thereof being more particularly described by metes and bounds as follows;

BEGINNING at a $\frac{1}{4}$ " iron rod found for corner in the South line of Johnson Lane (60' ROW) that is the Northwest corner of said Lot 1;

THENCE East along said South line a distance of 133.28 feet to a $\frac{1}{2}$ " iron rod found for the Northeast corner of said Lot 1;

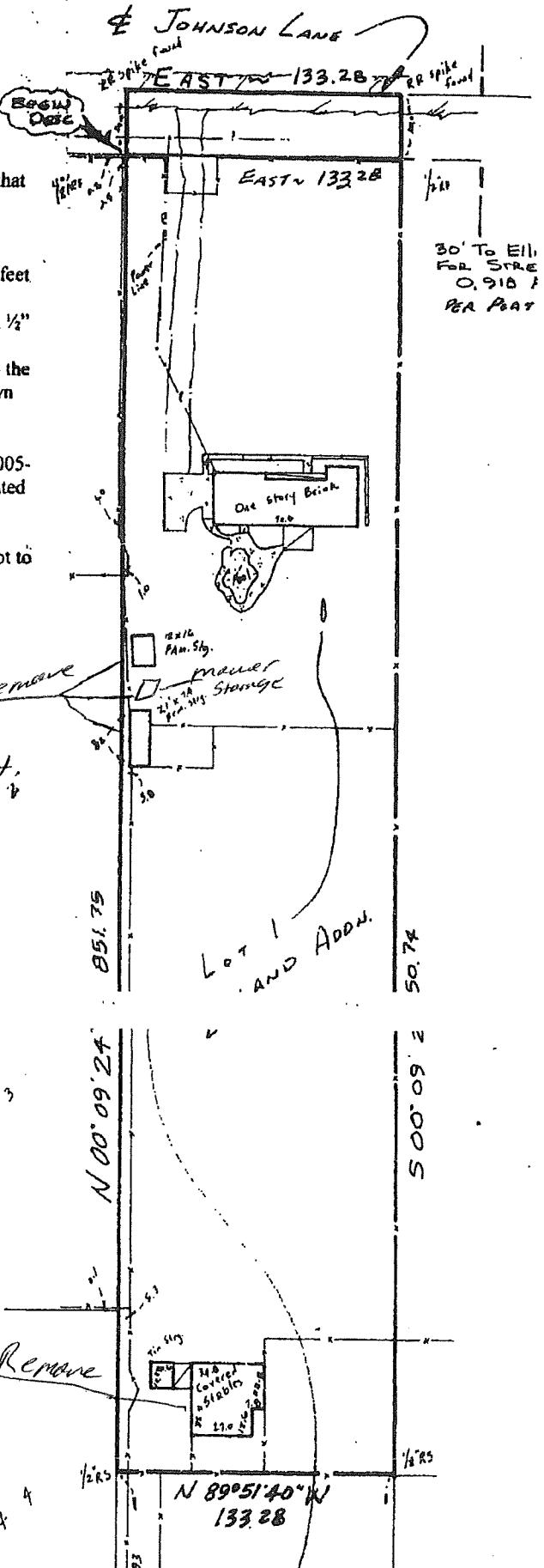
THENCE South 00 deg. 09 min. 24 sec. East along the East line of Lot 1 a distance of 695.14 feet to a $\frac{1}{4}$ " iron rod set for corner;

THENCE North 89 deg. 51 min. 40 sec. West and crossing Lot 1 a distance of 133.28 feet to a $\frac{1}{2}$ " iron rod set in the West line of Lot 1;

THENCE North 00 deg. 09 min. 24 sec. West along said West line a distance of 694.82 feet to the **PLACE OF BEGINNING** and containing 2.1264 acres of land and also being generally known as 338 Johnson Lane.

The property shown hereon is located in Zone C according to Community Panel No. 481155-0005-C of the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map dated 1-6-88.

Note; Easement recorded in Volume 424 Page 313, Deed Records, Ellis County, Texas, does not to the best of my knowledge and belief affect the above described property.



080117R

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BEGINNING at a $\frac{1}{2}$ " iron rod found for corner in the South line of Johnson Lane (60' ROW) that is the Northwest corner of said Lot 1;

THENCE East along said South line a distance of 133.28 feet to a $\frac{1}{2}$ " iron rod found for the Northeast corner of said Lot 1;

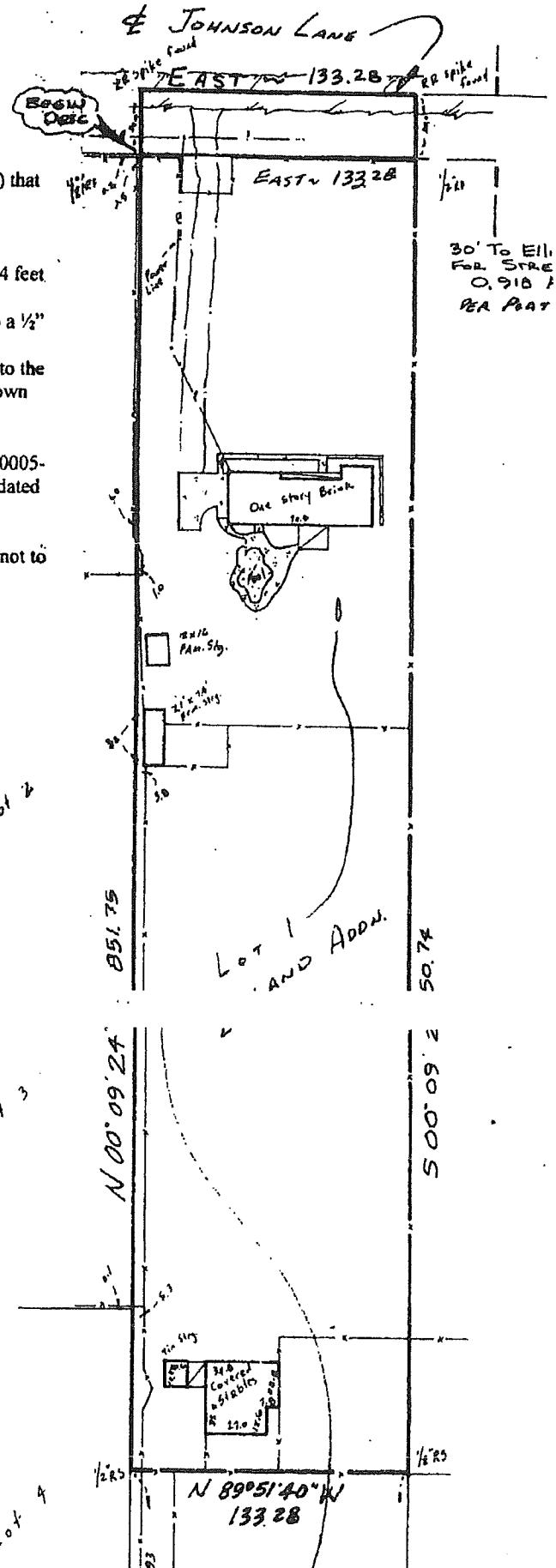
THENCE South 00 deg. 09 min. 24 sec. East along the East line of Lot 1 a distance of 695.14 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE North 89 deg. 51 min. 40 sec. West and crossing Lot 1 a distance of 133.28 feet to a $\frac{1}{2}$ " iron rod set in the West line of Lot 1;

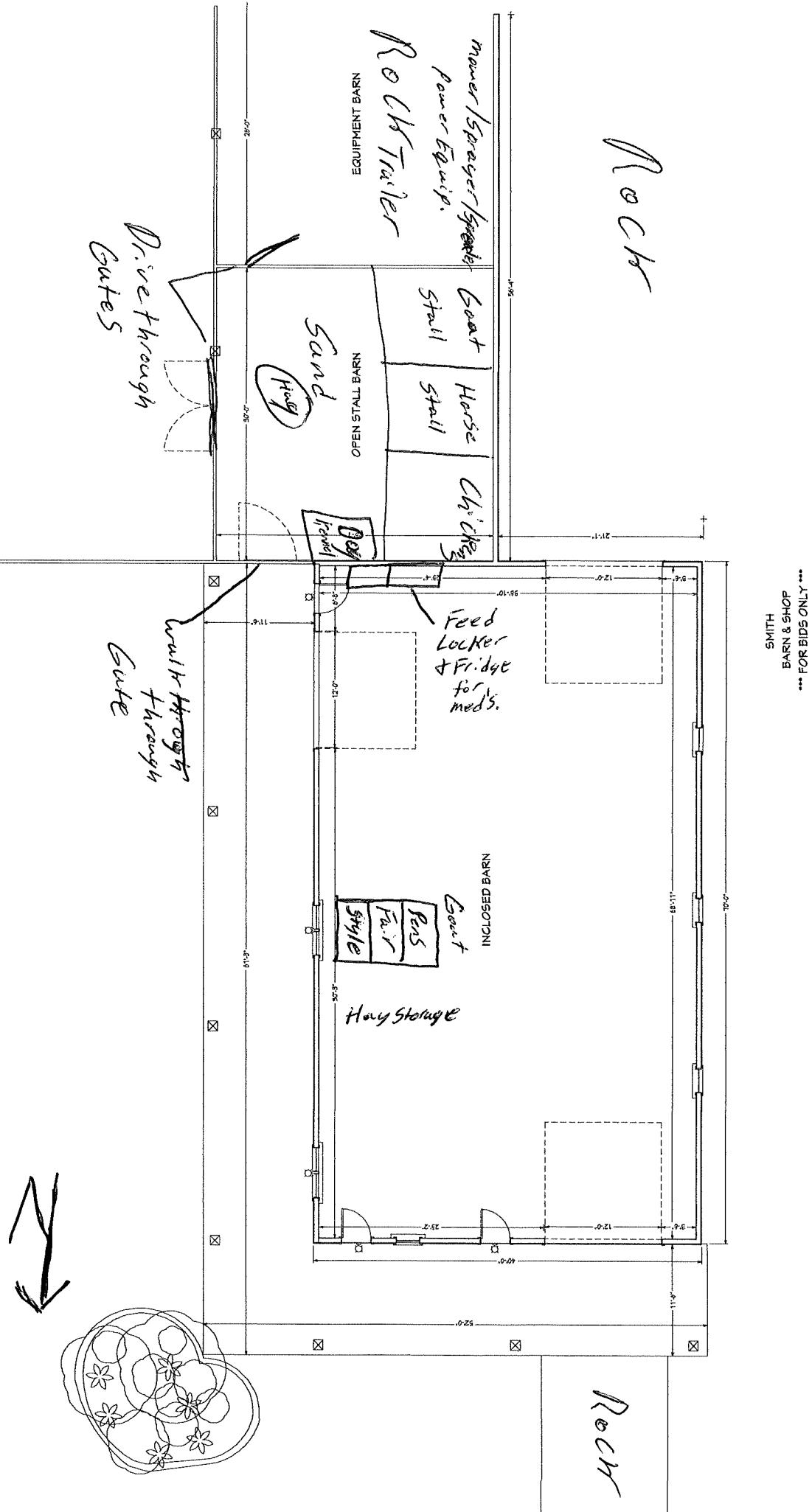
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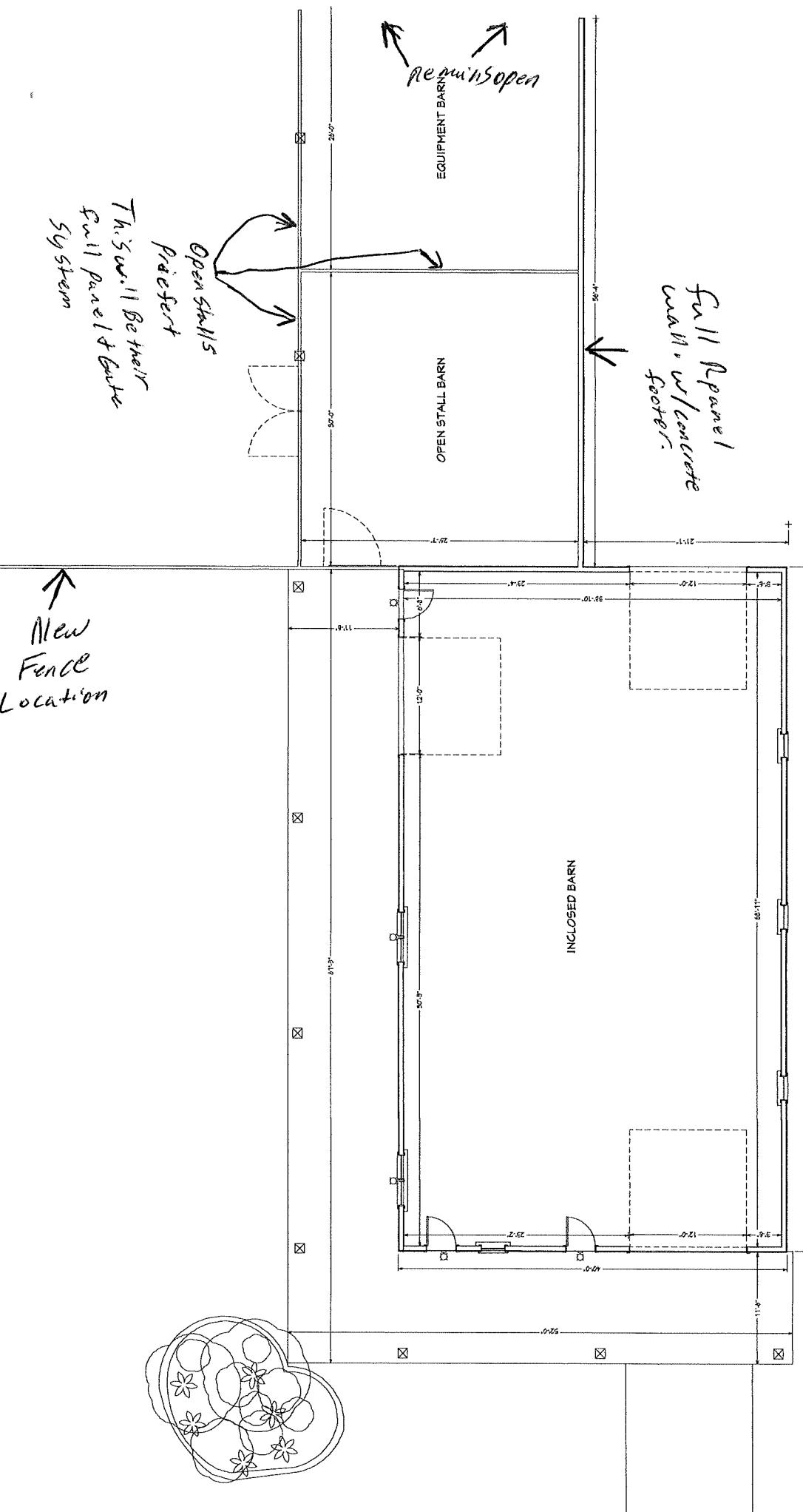
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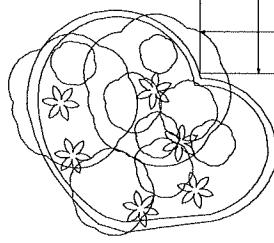
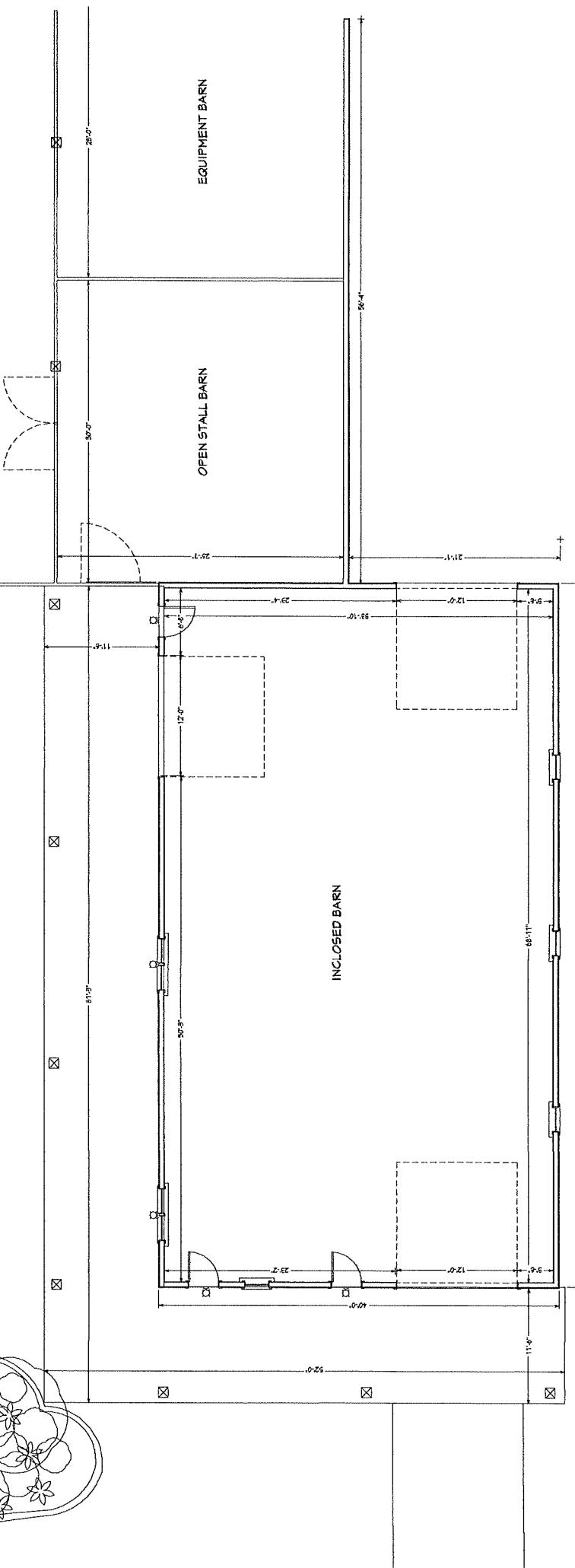
130420.12



1304 20.12



BOA 20.12













KK610101- 10'X10' Kennel Kit

Dog kennel goes in the open stall in front of chickens

- Architectural Grade Powder Coat Finish by helping the product resist rust, scratches and fading.

nt by helping the product resist

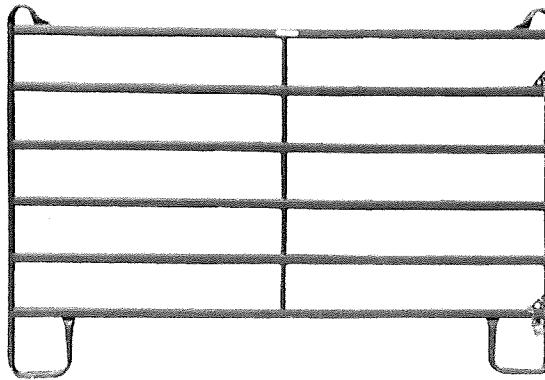
BOA 20.12

~ SPECS ~

- Height: 64"
- Number of Rails: 6
- Constructed from 1.66" OD 16 gauge steel
- Vertical stay constructed from 1.05" OD 16 gauge steel
- Architectural Grade Powder Coat Finish by helping the product resist rust, scratches and fading.
- All weights are approximate
- Available Colors: Grey



Front of open stall and the stalls will be made using this system. Walk through & Drive through Gates that go with these panels.



PREMIER PANELS

MSRP: Call For Pricing

Premier Panels are "Tough Enough for Cattle, Safe Enough for Horses." This panel features Quadraform™ tubing and is available in many lengths. *

~ DESCRIPTION ~

Pound for pound, dollar for dollar, Priefert Premier Panels are the toughest panel on the market. "Tough Enough for Cattle, Safe Enough for Horses," these uniquely designed panels are light enough to be portable, yet heavy enough to be durable. Originally introduced in 1984, the Premier Panel was Priefert's first panel and it has enjoyed outstanding popularity among horse and cattle owners alike. This panel combines more versatility and safety features than any other panel on the market to provide you with the best value possible. Constructed from our patented Quadraform™ tubing to allow for maximum strength and flexibility, each panel features single piece vertical stays fitted through drilled rails to further increase the structural integrity. Chain connections ensure tight connections and offer increased versatility to allow for connections over uneven ground and easy connections to existing structures. J-legs increase the ease of portability and help keep panels from sinking in to wet or boggy ground, while our "Fishhook" top corners increase strength and safety. The Architectural Grade Powder Coat Finish helps the product to resist rust, scratches, and fading to add years of life to your investment.

Item Number	Length	Weight(lbs)	# of Stays	Price
PPD	5' 5"	40	1	CALL
PP08	8'	68	1	CALL
PP10	10'	82	1	CALL
PP12	12'	90	2	CALL
PP14	14'	104	2	CALL
PP16	16'	116	3	CALL

* Product may vary from information, pictures, or videos shown. Please consult Priefert for more information.

~ FEATURES ~

- Premier Panels are ideal for use in a number of applications around the farm or ranch, from cattle systems to round pens, from arenas to corrals, these panels are a solid choice anywhere confinement is needed.
- "Tough Enough for Cattle, Safe Enough for Horses," these are our number one selling cattle panels.
- Popular among horse and cattle owners alike, these panels designed for use in crowding applications.
- Premier Panels are constructed from our patented Quadraform™ tubing to allow for maximum strength and flexibility.
- These panels feature a single piece vertical stays that are fitted through drilled rails to provide additional strength and structural integrity.
- Chain connectors allow for quick, tight connections between panels and gates. They also offer increased versatility for connecting to panels over uneven ground and allow for easy connection to existing structures.
- J-legs increase the ease of portability and help prevent panels from sinking into wet or boggy ground.
- The "Fishhooks" on the top of the panel help strengthen the corners and help prevent leg traps between panels.



TOMBSTONE FEEDER

MSRP: Call For Pricing

Item #: rbft

UPC: 726237058880

The Tombstone round bale feeder is powder-coated brown. Its 22" sheeted bottom keeps horses from stepping on it.

*Hay Ring for open area
in front of stalls.*

~ DES

Desi
feed
rubb
your

~ FEA

~ SPE

-
-
-
- Image 2 of 2
- **Weight: 197 lbs (Weights are approximate)**
- **Feeder constructed from 1.66" OD 16 gauge tubing**
- **Feeder sheeted with 20 gauge steel sheeting**
- **Feeder consists of 3 pieces**
- **Bolts and nuts for assembly included**
- **Architectural Grade Powder Coat Finish**
- **Color: Brown**





Horse Stall

Horse Feeder/with Slatte Rack

HAY & GRAIN FEEDER

MSRP: Call For Pricing

Item #: hgf
UPC: 726237161283

This durable powder-coated feeder is great for feeding hay and/or grain. With sturdy mounting brackets, this feeder can easily be hung on panels or 2" fence railing.*

~ DESCRIPTION ~

Priefert's single horse Hay & Grain Feeder. The sides of this sturdy feeder are constructed from 18 gauge galvanneal material. This feeder is perfect for use in stalls, paddocks, and is resistant to scratches, and fading to a

* Product

edding hay and/or grain. This feeder is constructed from 16 gauge lumber, making it the perfect product to resist rust, scratches, and fading to a

ormation.

~ FEATURES ~

- This sturdy single horse feeder has a slanted top, with a back panel and a front panel.
- Constructed from 18 gauge galvanneal material, this feeder is perfect for use in stalls, paddocks, and is resistant to scratches, and fading to a
- Convenient mounting brackets allow for easy installation in paddocks, stalls, and other areas.
- An Architectural Grade Powder Coat Finish provides a durable and attractive finish that is resistant to rust, scratches, and fading to a



~ SPECS ~

- Height: 27"
- Width: 21"
- Depth: 18.5"
- Weight: 35 lbs (Weight of the feeder)
- Sides constructed from 18 gauge galvanneal sheet metal
- Feeder back and bottom constructed from 16 gauge galvanneal sheet metal
- Architectural Grade Powder Coat Finish

Image 1 of 2



Goat Bunk feeder.

Goat Stall.

GOAT FEEDER w/HAY RACK

MSRP: Call For Pricing

This feeder utilizes the FBFWL05 as its base and includes a powder-coated hay rack mounted above the feed tub making it easy to feed hay and grain *

~ DESCRIPTION ~

This feeder is a great option for feeding goats or other small livestock. Our Goat Feeder with Hay Rack uses our 5' bunk feeder (FBFWL05) as its base. The hay rack sets above the feed pan, making it convenient for feeding hay and grain out of one feeder. This feeder features a durable poly liner with a pan depth of 9" and a 22.5" inside trough width. The Architectural Grade Powder Coat Finish helps the product to resist rust, scratches, and fading to add years of life to your investment.



1.

~ FEATURES ~

- This 5' G
- The hay
- This fee
- Multiple
- Architec
- rust, scr
- Replace

ct resist

~ SPECS ~

- Pan Depth:
- Inside Trou
- Overall Wic
- Poly Liner

Image 1 of 2

~ SPECS ~

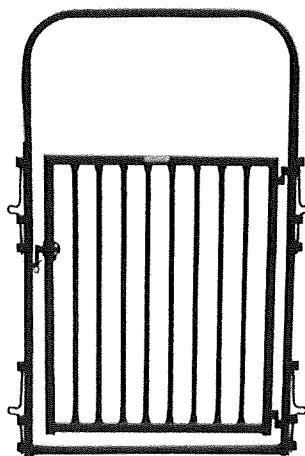
- Gate Height: 48"
- Bow Frame Height: 60"
- Vertical Bar Spacing: 1 1/2"
- Vertical Sliding Gate: 1 1/2"
- Frame construction: 1 1/2" x 2"
- Vertical rails on frame: 1 1/2" x 2"
- Architectural: 1 1/2" x 2"
- Color: Brown

B04 20.12



Pens for Concrete in Enclosed barn

These are for the Show goats.



SHEEP, HOG, & GOAT BOW GATES

MSRP: Call For Pricing

These bow gates are available in 4', 5', and 6' widths and feature 80" of clearance for easy "walk thru" access and pin connectors for easy setup. *

~ DESCRIPTION ~

Ideal for exposition centers, fairgrounds, or home use, these bow gates are designed for the confinement of small livestock, such as sheep, hogs, and goats. These versatile gates allow for quick and easy setup. With vertical bars that are set on 4" centers, these gates discourage livestock from rearing up and finding a foothold, the way they often do with horizontal-rail panels. This spacing is also narrower than most other vertical bar panels and prevents animals from being able to push their heads through the rails. Priefert's Sheep, Hog, and Goat Bow Gates are available in a variety of lengths and connect using sturdy pin connections. Each bow frame offers 80" of clearance to allow for easy "walk thru" access to pins. These gates use a sliding gravity latch that can accept a lock or snap for added security. Each bow gate features an Architectural Grade Powder Coat Finish with UV inhibitors to add years of life to your investment by helping the product resist rust, scratches, and fading.

Item Number	Length	Weight(lbs)	Price
SHBG04	4'	53	CALL
SHBG05	5'	68	CALL
SHBG06	6'	78	CALL

* Product may vary from information, pictures, or videos shown. Please consult Priefert for more information.

~ FEATURES ~

- Ideal for exposition centers, fairgrounds, or home use, these bow gates are designed for the confinement of small livestock, such as sheep, hogs, and goats.
- Priefert Sheep, Hog, and Goat Bow Gates feature sturdy pin connectors for quick and easy setup.
- The vertical bars of the gate are set on 4" centers. This helps discourage livestock from rearing up by eliminating the foothold that livestock find when they rear up on horizontal-railed panels. It also prevents the animals from being able to push their heads through the rails as they can with many competitor panels.
- Each of these bow gates features a vertical sliding gravity latch. This latch is designed to allow for a lock or snap to be placed on the latch for added security.
- The bow frames feature 80" of clearance to allow for easy "walk thru" access to pens.
- An Architectural Grade Powder Coat Finish with UV inhibitors adds years of life to your investment by helping the product resist rust, scratches, and fading.
- Our Sheep, Hog, and Goat Panels and Bow Gates are also a great option for confining miniature horses.



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 #	2020-0698	Valuation:	\$95,000.00	
Zoning:		Valuation w/ Land:	\$0.00	
Project Address:	338 JOHNSON LN	Lot:	Block:	Subdivision:
Project Description:				
New SFR		Flatwork		
Plumbing/Electrical		Accessory Building	Yes	
Swimming Pool		Sprinkler		
SFR Remodel/Addition		Fence		
Roof				
Other		Specify Other:		
Proposed Use:	ACCESSORY BUILDING			
Description of Work:	40` X 70` ENCLOSED BARN WITH ATTACHED 36` X 36` LEAN-TO ATTACHMENT AND 30` X 36` EQUIPMENT BARN			
Area Square Feet:				
Living:	5176	Garage:	Covered Porch:	
Total:	5176.00			
# of Stories:				

Homeowner Details

Name: JUSTIN SMITH
Address: 338 JOHNSON LN, OVILLE ,TX 75154
Phone # (469) 323-0508 **Email:**

Applicant Details

Applicant Type: Owner
Name: JUSTIN SMITH
Address: ,
Phone # (469) 323-0508 **Email:**

General Contractor Details**License #****Company:** A4DABLE**Name:** JIM RODGERS**Phone #** (214) 762-8741 **Email:****Mechanical Contractor Details****License #****Company:****Name:****Phone #** **Email:****Electrical Contractor Details****License #****Company:****Name:****Phone #** **Email:****Plumber/Irrigator Details:****License #****Company:****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. 2020-0698

Location: 338 JOHNSON LN

Description: 40' X 70' ENCLOSED BARN WITH ATTACHED 36' X 36' LEAN-TO ATTACHMENT AND 30' X 36' EQUIPMENT BARN

Owner: JUSTIN SMITH

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



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. B0A 20.12

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.

Property currently has 4 grandfathered buildings - Barn, Lean-to, Shop, Mower-shed - totaling 9,855 sq ft. We are wanting to remove these 4 buildings and replace with one building of 4,780 sqft or approx. 5100 sq including awnings.

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.

Barns, Shops, and Sheds or Lean-to's are very common to the city of Ovilla and are highly desired on property with acreage. It is also vital to the safety & well-being of the livestock inhabiting the property.

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

This Variance is a request to remove buildings currently in place and replace with a single structure equaling less overall square footage.

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.

Current structures are grandfathered and are not aesthetically pleasing. Not only will the new structure reduce square footage, but will also greatly improve property value and beauty of the property. - See renderings that will be provided.

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.

Current buildings were built to past standards and are not considered an improvement to the property. The improvements will bring added property value not only to our property, but to the properties that back up to the current structures.

Block No. _____

Zoning _____

The Applicant, Justin Smith, 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.

We are requesting to build a Single structure barn/lean-to/equipment barn that will replace the current 4 structures (unattached) that are on property. Current structures range in age from the 1970's-early 2000's and total 5,855 sq ft. The new single structure will be 4780 sq ft of total interior space, thus resulting in the need for a variance due to size. The proposed structure has been designed by a licensed designer to ensure that it will properly flow with the layout of the property, be aesthetically pleasing, and improve not only our property value, but the values of the properties that back up to the current structures.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed?

Aprox 6/2012 - for new fence

• Case No. BOA

I have completed the following requirements:

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

I authorize _____ of

 (Applicant's agent)

 (Address)

 to represent me in this variance request
 before the Board of Adjustment.

(Telephone)

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.

Barns are permissible in ovilla. Nothing, or no part of this structure are prohibited.

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

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

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

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

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

Case No. _____

BoA 20.12

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. _____

Property

Address 338 Johnson, Ovilla, TX, 75154

BOA 20.12

Respectfully submitted:

Applicant's Name

Justin Smith

Mailing Address

338 Johnson Ln, Ovilla, TX 75154

Telephone

(Hm) 469-323-0508

Telephone

(Wk)

Email

TexansFirstinspections@gmail.com

Justin Smith
Applicant's signature

Date 11/30/2020

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

DATE: 11/30/2020

• Case No. BOA 20.12

OFFICE USE ONLY

DATE RECEIVED: 11-30-2020 HEARING
DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE:



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: JUSTIN SMITH
Address: 338 JOHNSON LN

Case Number: BOA20.12

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.6 **NUMBER AND SIZE OF ACCESSORY BUILDING** of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

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

BOA Members present, and upon a record vote of:

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

TOTALS:

 FOR
 AGAINST
 ABSTAIN

The variance is hereby: **granted** **denied**

Presiding Officer of BOA

Date

City or Board Secretary

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

DISCUSSION & ACTION

Meeting Date: December 21, 2020

Attachments:	
None	
	Agenda Item / Topic:
ITEM 3.	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	