

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 -Vacant, PL7
Mike Dooly, Code Enforcement

AGENDA
Board of Adjustment Meeting
Via: Zoom Only
Monday, March 15, 2021

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, March 15, 2021 by Zoom 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: 968 4607 4502

If you would like to join the meeting with your computer, tablet, or smartphone:
<https://zoom.us/j/96846074502>

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 Zoom **Monday, March 15, 2021 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 December 21, 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. **BOA21.01 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Armando Aguilar for a residential special exception on placement of a fence on or beyond the building line on his property at 3001 Ovilla Rd., Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Armando Aguilar.

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

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 -Vacant, PL7
Mike Dooly, Code Enforcement

- ITEM 2.** **BOA21.03 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 30, Section 3A ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS filed by Majusta Allen for a residential variance exception on placement of an accessory building behind the rear plane of the main dwelling on her property at 400 Montpelier, Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Majusta Allen.

- ITEM 3.** **BOA21.03 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3B ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS filed by Majusta Allen for a residential variance exception on placement of an accessory building closer than five (5') to the lot line on her property at 400 Montpelier, Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Majusta Allen.

- 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 **March 15, 2021 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 12th day of March 2021, prior to 6:00 p.m.

Cathy Gaeta

Cathy Gaeta
Deputy City Secretary

DATE OF POSTING:
DATE TAKEN DOWN:

3/12/21

TIME:
TIME:

4:30

am/pm
am/pm



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

CITY OF OVILLA MINUTES
Monday, December 21, 2020
Board of Adjustment Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:04 p.m. and called roll with the following BOA members announcing their presence **via teleconference**, thus constituting a quorum:

Patricia Halyard-King	PL2 Board Member
Barbara Betik	PL3 Board Member
Stephanie Heimbuch	PL4 Board Member
Steven Miner	PL6 Alt. Board Member

Five board members were present constituting a quorum. PL5 Richard Ware and ALT PL7 Mark Clark were noted absent. Staff present included City Manager, Pam Woodall, City Secretary, G Miller, Deputy City Secretary, Cathy Gaeta, Public Works Director, James Kuykendall, and Code Enforcement Officer, Mike Dooly.

The Pledge of Allegiance was led at this time.

CONSENT ITEMS

Minutes of the October 19, 2020 Zoning Board of Adjustment Meeting

PL4 Heimbuch moved that the BOA APPROVE the request for consent item as presented.
PL6 Miner 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>NO ANSWER</u>
PL 4 Heimbuch	<u>AYE</u>
ALT PL 6 Miner	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

PUBLIC HEARING & 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.

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

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

CITY OF OVILLA MINUTES
Monday, December 21, 2020
Board of Adjustment Meeting

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 she would be replacing an existing wire fence with a new wood fence that has stone columns and is to be placed 3'- 4' (feet) behind existing fence.

(Testimony that followed was under proper oath, Applicant) The applicant reiterated Mr. Dooly's statements, adding that it would be a decorative, upgraded fence.

Chair Richtsmeier asked if there were any speaking in support

(Testimony that followed was under proper oath)

1. Justin Smith, 338 Johnson Ln – will be 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 7:17 p.m.

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

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

PL4 Heimbuch moved that the BOA APPROVE the request for Marissa Dimas on a Special Exception as requested on her property at 206 Johnson Ln. in BOA 20.11.

PL2 Halyard-King 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.

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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:23 p.m. (Testimony that followed was under proper oath, City Representative)

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

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

CITY OF OVILLA MINUTES
Monday, December 21, 2020
Board of Adjustment Meeting

Deputy City Secretary Cathy Gaeta shared with the Board a brief explanation of the applicant's request. In presentation to the city, it was explained that the barn will have two attached open-air areas totaling 5,176 sq.ft.. One building measuring 5,855 sq.ft. will be removed. Ordinance states the square footage is not to exceed 3850 sq. ft. (2.27 acres)

(Testimony that followed was under proper oath, Applicant)

The applicant reiterated Ms. Gaeta's statements, adding that the barn would be for equipment storage, hay, and a shelter for his animals. Also, this will help resolve some of the erosion issues on his property and increase property value.

(Chair Richtsmeier asked if there were any speaking in support)

(Testimony that followed was under proper oath, Citizen)

Don Ivory, 339 Johnson Ln – stated he lives across the road from applicant and has a similar structure on his property - and is in favor.

Marissa Dimas, 206 Johnson Ln – PL 4 Heimbuch informed Chair Richtsmeier that Ms. Dimas stated in favor on 'Zoom Chat'.

Gary Jones, 604 Green Meadows – no issue with location/height

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

None.

(Rebuttal or Final Comments)

(Testimony that followed was under proper oath, Citizen)

Ms. Lombardo, 602 Green Meadows – concerned about size blocking her view/value of her property – not in favor

The Public Hearing was closed at 8:01 p.m.

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

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

Chair Richtsmeier moved that the BOA APPROVES the request for Justin Smith for a Variance as requested on his property at 338 Johnson Lane in BOA 20.12 contingent on removal of existing structures that were noted in the applicant's request.

PL2 King 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>

ITEM 3. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

None

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

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

CITY OF OVILLA MINUTES
Monday, December 21, 2020
Board of Adjustment Meeting

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 8:11 p.m.

Chair Carol Richtsmeier

ATTEST:

Cathy Gaeta, Deputy City Secretary
Attachment(s): *Findings of Fact (3)*

Approved on March 15, 2021

Chair Carol Richtsmeier, PL1
Vice Chair Patricia Halyard-King, PL2
Barbara Betik, PL3
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: 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	Y	
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and	Y	
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.	Y	

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
CAROL RICHTSMEIER	AYE		
RICHARD WARE - ABSENT			
STEPHANIE HEIMBUCH	AYE		
BARBARA BETIK	AYE		
PATRICIA HALYARD-KING	AYE		
MARK CLARK - ABSENT			
STEVEN MINER	AYE		

TOTALS:

5
0
0

**FOR
AGAINST
ABSTAIN**

The special exception is hereby:

 ✓ **granted**

 denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE

SPECIAL EXCEPTION BASED ON MUNICIPAL LAW AND PROCEDURE MANUAL



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

BOA Members present, and upon a record vote of:

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

TOTALS:

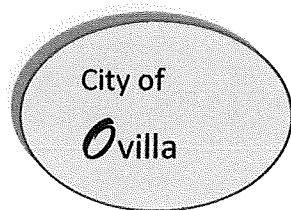
<u>5</u>	FOR
<u>0</u>	AGAINST
<u>0</u>	ABSTAIN

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: March 15, 2021

Attachments:	
1. Permit Application	
2. Special Exception Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
ITEM 1.	BOA21.01 - 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 Armando Aguilar for a residential special exception for a fence that is on or beyond the building line on his property at 3001 Ovilla Rd.
Discussion / Justification:	
APPLICANT:	Armando Aguilar
LOCATION:	3001 Ovilla Road
ZONING:	R15 Residential (15,000 sf)
Applicant's Proposal: <i>Applicant/owner of said property requests to place his fence on or beyond the building line.</i>	
Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 35.3, <u>FENCES IN RESIDENTIAL DISTRICTS</u> , C. D. Support and Rails, states: 1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.	
BOARD DISCUSSION: The Board is allowed to grant a Special Exception under certain circumstances & after review of the Findings of Fact form.	
NOTICES: One public notice listed in The Ellis County Press and 7 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 ARMANDO AGUILAR TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON HIS PROPERTY AT 3001 OVILLA ROAD AS PRESENTED IN BOA21.01."	

City of Ovilla

Phone: (972) 617-7262

Fax: (972) 515-3221

105 S. Cockrell Hill Rd.

Ovilla, Texas 75154

BoA 21.01

Residential Building Permit Application

Building Permit Number: <u>676</u>		Valuation: _____	
Project Address: <u>3001 Ovilla Rd, Ovilla TX 75154</u>		Valuation w/land: _____	
Lot: _____	Block: _____	Subdivision: _____	
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____ ELECTRICAL/PLUMBING <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"/>			
Description of Work: <u>190' feet metal fence 6' high with Gates along Ovilla</u>			
Area Square Feet: _____		Covered _____	
Living: _____	Garage: _____	Porch: _____	Total: _____ Number of stories: _____

Owner Information:			
Name: <u>Armando Aguilar</u>		Contact Person: <u>Armando Aguilar</u>	
Address: <u>3001 Ovilla Rd, Ovilla TX 75154</u>			
Phone Number: <u>972-834-878</u>	Fax Number: _____	Mobile Number: <u>972-834-878</u>	

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Vicente Bartolo</u>	<u>Vicente Bartolo</u>	<u>214-250-0600</u>	
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

A permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. Separate permits may be required for electrical, plumbing, and heating/air condition. All permits require final inspection.

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.

Signature of Applicant: Armando Aguilar Date: 11/23/2020

OFFICE USE ONLY:

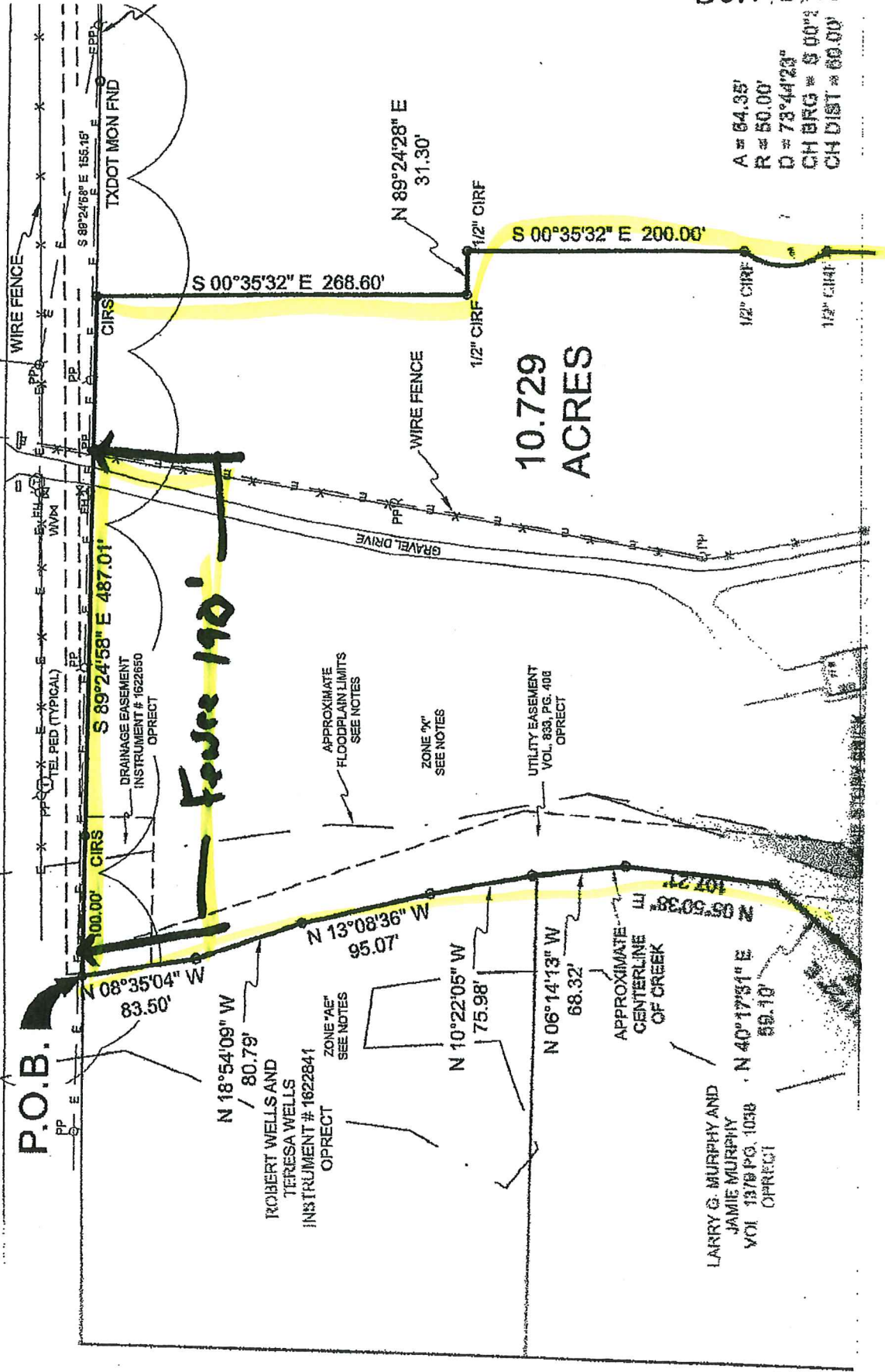
Approved by: _____	Date approved: _____
Approved by Fire: _____	Date approved: _____

Plan Review Fee: _____	Receipt # _____	Total Fees: _____
Building Permit Fee: _____	Receipt # _____	Issued Date: _____
Park Impact Fee: _____		Expires: <u>180 days</u>
Capital Recovery Fee: _____		Issued By: _____
Fire Meter: _____		
Water Meter Cost: _____		
Water Impact: _____		BV Project # _____
Sewer Connection Fee: _____		
Sewer Impact: _____		
Fire Fee: _____		

A = 64.35'
R = 50.00'
D = 73°44'23"
CH BRG = S 00°2'
CH DIST = 60.00'

AREA UP

OVERHEAD
ELECTRIC LINES

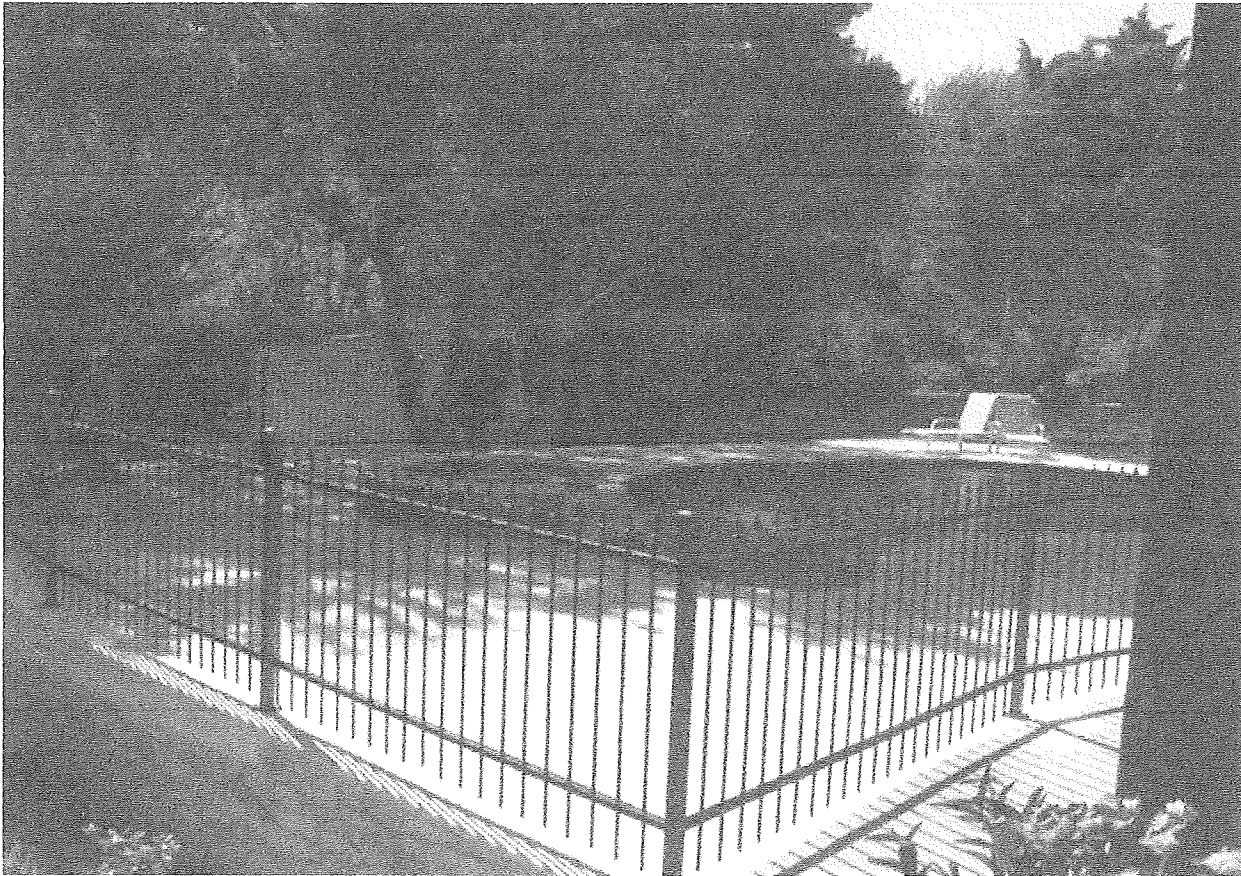


Resized_IMAG0410.jpeg

From: armando aguilas (aguilartorres05@yahoo.com)

To: aguilartorres05@yahoo.com

Date: Thursday, October 22, 2020, 02:29 PM CDT



Aguilar Events
Two locations!!!

4343 Camp Wisdom
Suite 220
Dallas, TX 75237

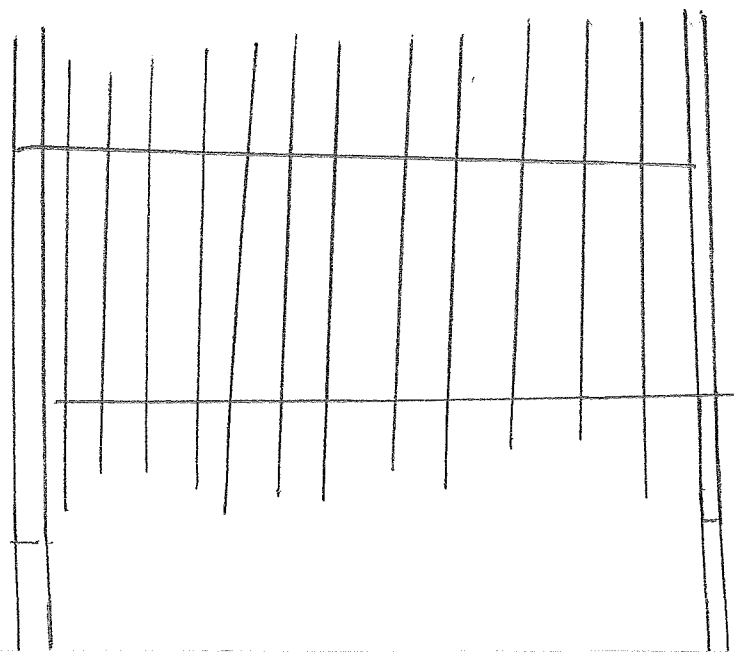
6901 McCart Ave
Suite 150
Ft. Worth, TX 76133

972-834-8178

972-834-8177

Mail: aguilartorres05@yahoo.com

FaceBook: Aguilar Events



↓
6 FT High



↑
Posts 2 1/2
Feet Deep



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 # 2020-0676 Valuation: \$0.00
Zoning: Valuation w/ \$0.00
Land:

Project Address: 3001 OVILLA RD
Lot: Block: Subdivision:

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: 190' FEET METAL FENCE 6' HIGH WITH GATES ALONG OVILLA

Area Square Feet:

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

Homeowner Details

Name: ARMANDO AGUILAR
Address: 3001 OVILLA RD, RED OAK, TX 75154
Phone # (972) 834-5128 Email:

8178

Applicant Details

Applicant Type: Owner
Name: ARMANDO AGUILAR
Address: ,
Phone # (972) 834-5128 Email:

8178

General Contractor Details

License #

Company:

Name: VICTOR BARTOLO

Phone # (214) 205-0608 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
 Building Permit Fee: \$0.00
 Park Impact Fee: \$0.00
 Capital Recovery Fee: \$0.00
 Fire Meter: \$0.00
 Water Meter Cost: \$0.00
 Water Impact: \$0.00
 Sewer Connection Fee: \$0.00
 Sewer Impact: \$0.00

Total Fees: ~~\$0.00~~ **25.00**
 Issued Date:
 Expiry Date:
 Issued By:
 BV Project #



Building Permit

City of Ovilla

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

Permit No. 2020-0676

Location: 3001 OVILLA RD

Description: 190' FEET METAL FENCE 6' HIGH WITH GATES ALONG OVILLA

Owner: ARMANDO AGUILAR

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site

Permit request .

Armando Aguilar

3001 Ovilla Road

Ovilla Texas 75154

Special Exception required to construct fence to property line.

Chapter 14 Ovilla Code of Ordinance

35.3 FENCES IN RESIDENTIAL DISTRICTS

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

D. Support and Rails.

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

DATE: 12-23-2020

Case No. BOA 21.01

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. 182319

Property Address 3001 E. Ovilla Rd
Red Oak, TX 75154

Block No. _____

Property Zoned R15 (15,000 sf)

OWNER OF PROPERTY Armando T. Aguilar

APPLICANT Armando T. Aguilar

SPECIAL EXCEPTION Fence Construction



Case No. BOA 21.01

The Applicant/Owner, Armando T. Aguilar, of Ellis County, requests that the Ovilla Board of Adjustment grant the following **SPECIAL EXCEPTION** to Chapter 14, Section 36.3 D, Paragraph _____ of the Ovilla City Code. Please state in detail what type of **SPECIAL EXCEPTION** you are seeking, attach additional sheets if necessary.

<u>Construct fence to Front Property</u>

Has a previous appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



Case No. BoA 21.01

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. BOA 21.01

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot 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 Armando T. Aguilar

Mailing Address 3001 E Ovilla Rd
Red Oak, TX 75154

Telephone (Hm) 972-839-8178

Telephone (Wk) 972-839-8178

Email aguilar.torres.05@yahoo.com

Armando Aguilar
Applicant's signature

12-23-2020
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

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



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

Applicant: ARMANDO AGUILAR
Address: 3001 OVILLA ROAD

Case Number: BOA 21.01

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			
VACANT			
STEVEN MINER			

TOTALS:

—
—
—

**FOR
AGAINST
ABSTAIN**

The special exception is hereby:

_____ **granted**

_____ **denied**

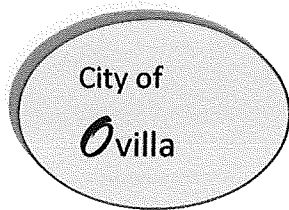
Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

PUBLIC HEARING & DISCUSSION

Meeting Date: March 15, 2021

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
ITEM 2.	BOA21.03 – Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 30, Section 3A <u>ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS</u> filed by Majusta Allen for a residential variance on placement of an accessory building behind the rear plane of the main dwelling on her property at 400 Montpelier Ln., Ovilla, TX 75154.
Discussion / Justification:	
APPLICANT:	Majusta Allen
LOCATION:	400 Montpelier Ln
ZONING:	R22 Residential (22,000 sf)
Applicant's Proposal: <i>Applicant/owner of said property, requests to place her accessory building not located behind the rear plane of the main dwelling of her property.</i>	
Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.3, <u>ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS</u>, states:	
A. <u>Front Setback</u> . A residential accessory building must be located completely behind the rear plane of the main dwelling.	
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 and 19 certified letters mailed. There has been one response.	
N/A	
Sample Motion(s):	

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO MAJUSTA ALLEN TO CONSTRUCT AN ACCESSORY BUILDING NOT LOCATED BEHIND THE REAR PLANE OF THE MAIN DWELLING ON HER PROPERTY AT 400 MONTPELIER LN AS PRESENTED IN BOA21.03."

City of Ovilla

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

21.03

105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	0045	Valuation:	\$500																		
Zoning:		Valuation w/land:																			
Project Address:	400 Montpelier, Ovilla, TX																				
Lot:	17	Subdivision:	Ovilla Park																		
Project Description:	<table border="0"><tr><td>NEW SFR</td><td><input type="checkbox"/></td><td>SFR REMODEL/ADDITION</td><td><input type="checkbox"/></td><td>SPECIFY OTHER:</td><td></td></tr><tr><td>PLUMBING/ELECTRICAL</td><td><input type="checkbox"/></td><td>FLATWORK</td><td><input type="checkbox"/></td><td>SPRINKLER</td><td><input type="checkbox"/></td></tr><tr><td>SWIMMING POOL</td><td><input type="checkbox"/></td><td>ACCESSORY BUILDING</td><td><input checked="" type="checkbox"/></td><td>FENCE</td><td><input type="checkbox"/></td></tr></table>			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 checked="" type="checkbox"/>	FENCE	<input type="checkbox"/>
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 checked="" type="checkbox"/>	FENCE	<input type="checkbox"/>																
Proposed Use:	15x10 cedar structure w/ composition shingles to match home																				
Description of Work:	15x10 cedar cabana w/ composition shingles																				
Area Square Feet:		Covered																			
Living:		Porch:																			
Garage:		Total:	150 sq ft																		
		Number of stories:																			

Homeowner's name:	Magusta Allen		
Address:	400 Montpelier, Ovilla, TX		
Phone Number:	(214) 418-4156	Home Number:	
		Mobile Number:	

General Contractor	Contact Person	Phone Number	Contractor License Number
Bright Pools LLC	Joshi Bright	(214) 762-5388	
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
rojo electrical services	Juan granados	(214) 886-0250	31012
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: 7/12/2021

OFFICE USE ONLY:

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

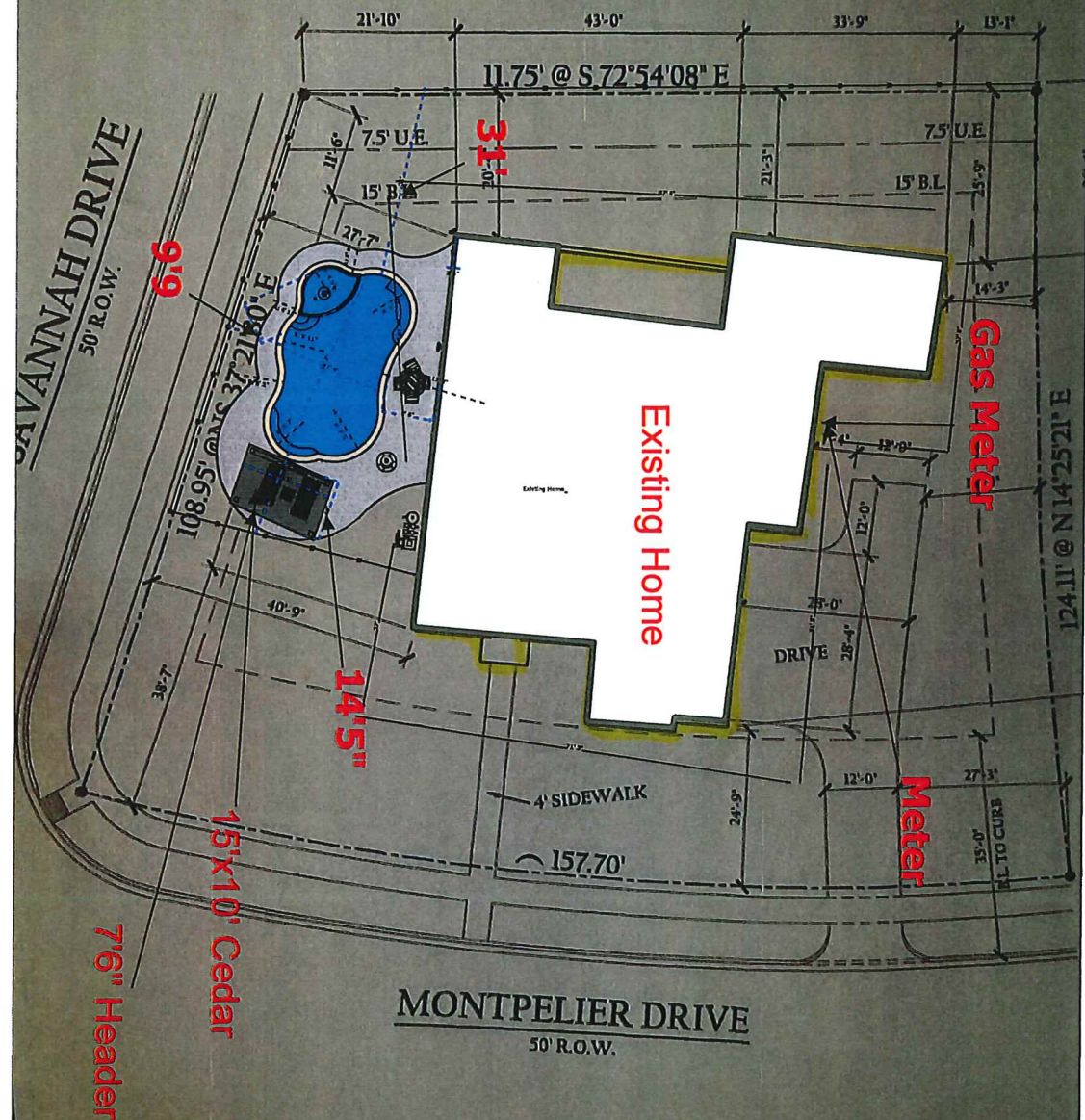
Plan Review Fee: _____
Building Permit Fee: _____
Park Impact Fee: _____
Capital Recovery Fee: _____
Fire Meter: _____
Water Meter Cost: _____
Water Impact: _____
Sewer Connection Fee: _____
Sewer Impact: _____

Receipt # _____

Total Fees: _____
Issued Date: _____
Expires: 180 Days
Issued By: _____

BV Project # _____

TOTAL LOT AREA: 16,036 S.F.



PLAN
3096

LILLIAN
LANDSCAPE ARCHITECTS

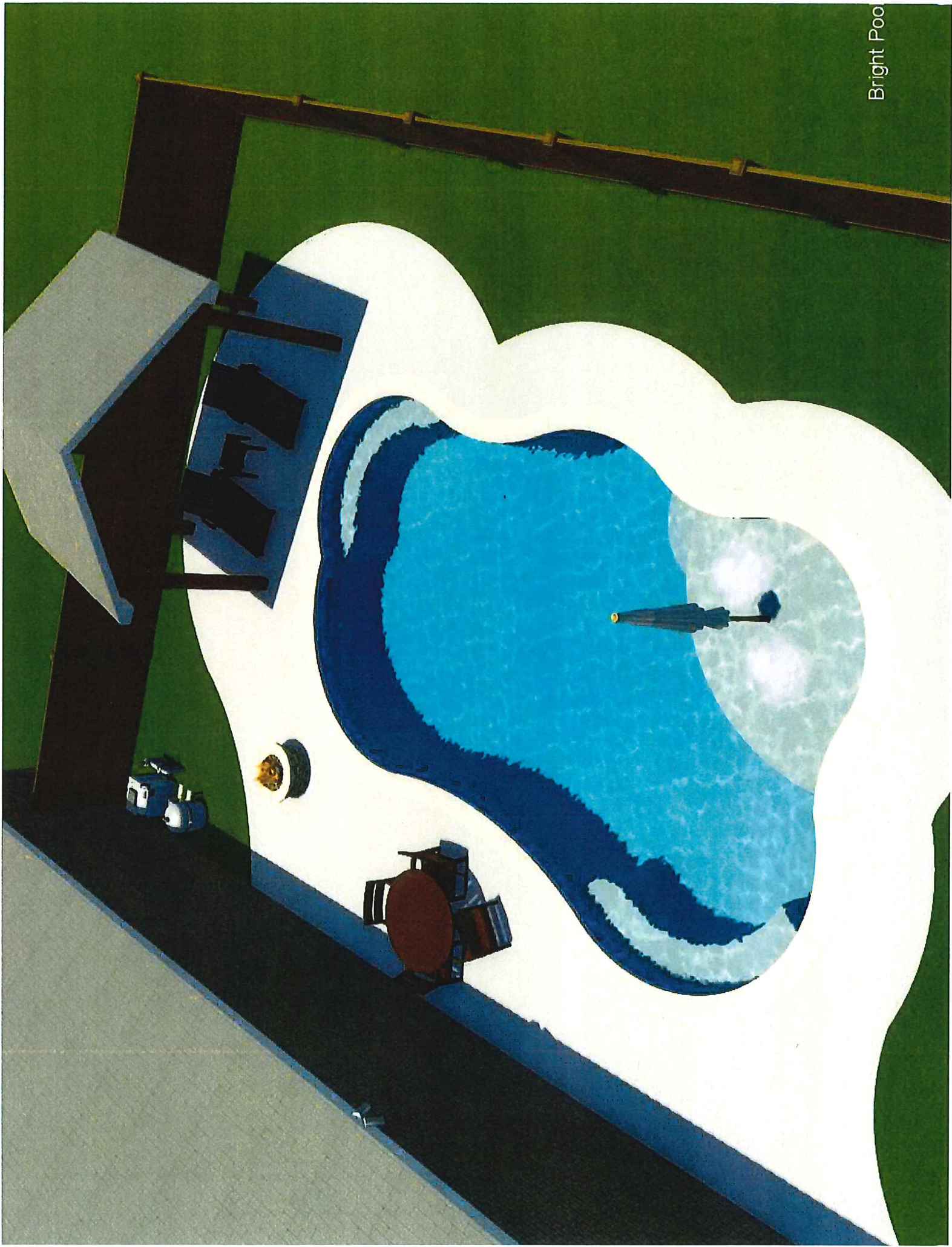
OVILLA PARK
PHASE II
400 MONTEPELIER DRIVE
LOT: 17 BLOCK C
SCALE 1" = 25'-0"

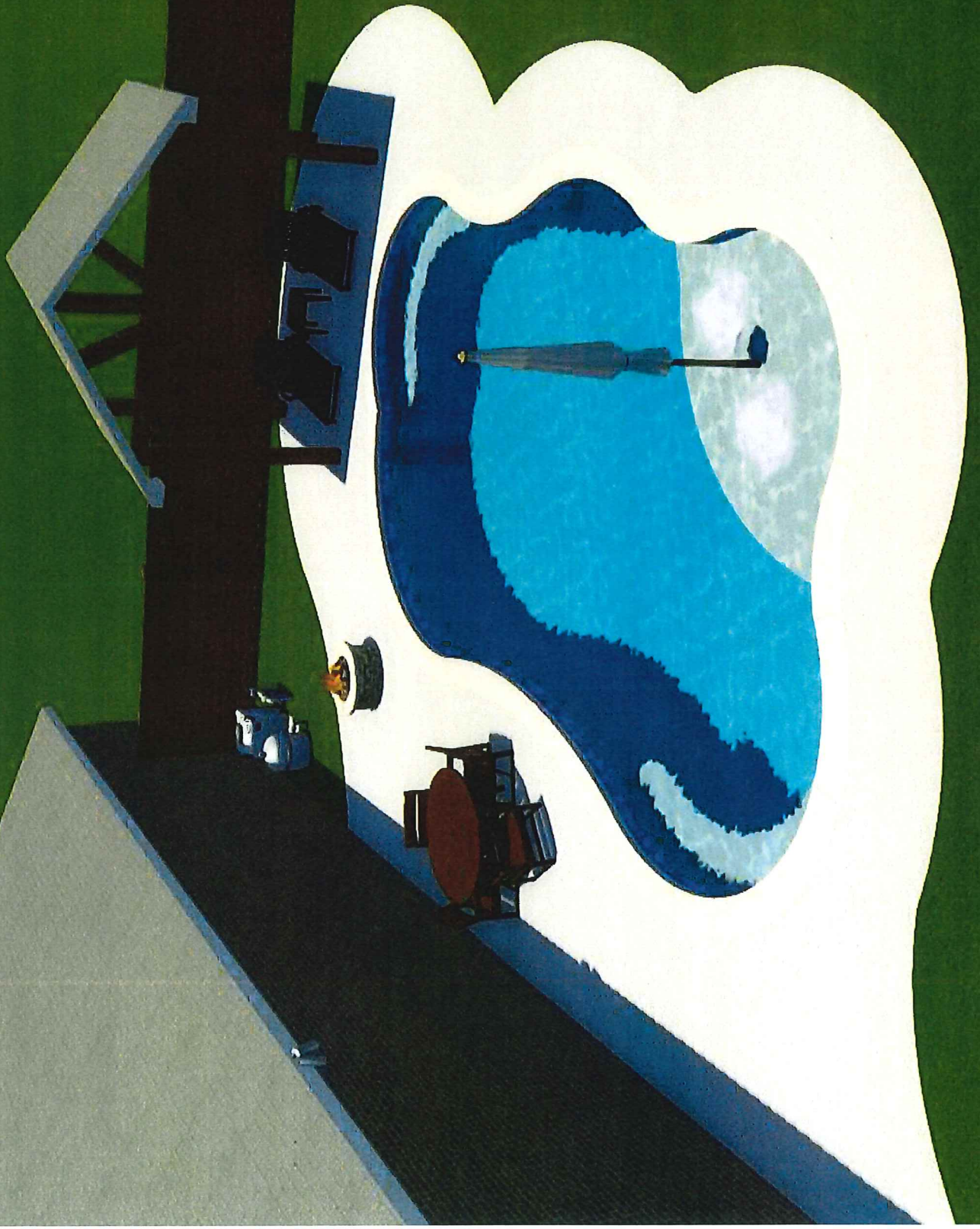
ADAMSON
Home Designers Inc.
www.adamsonhomedesigns.com



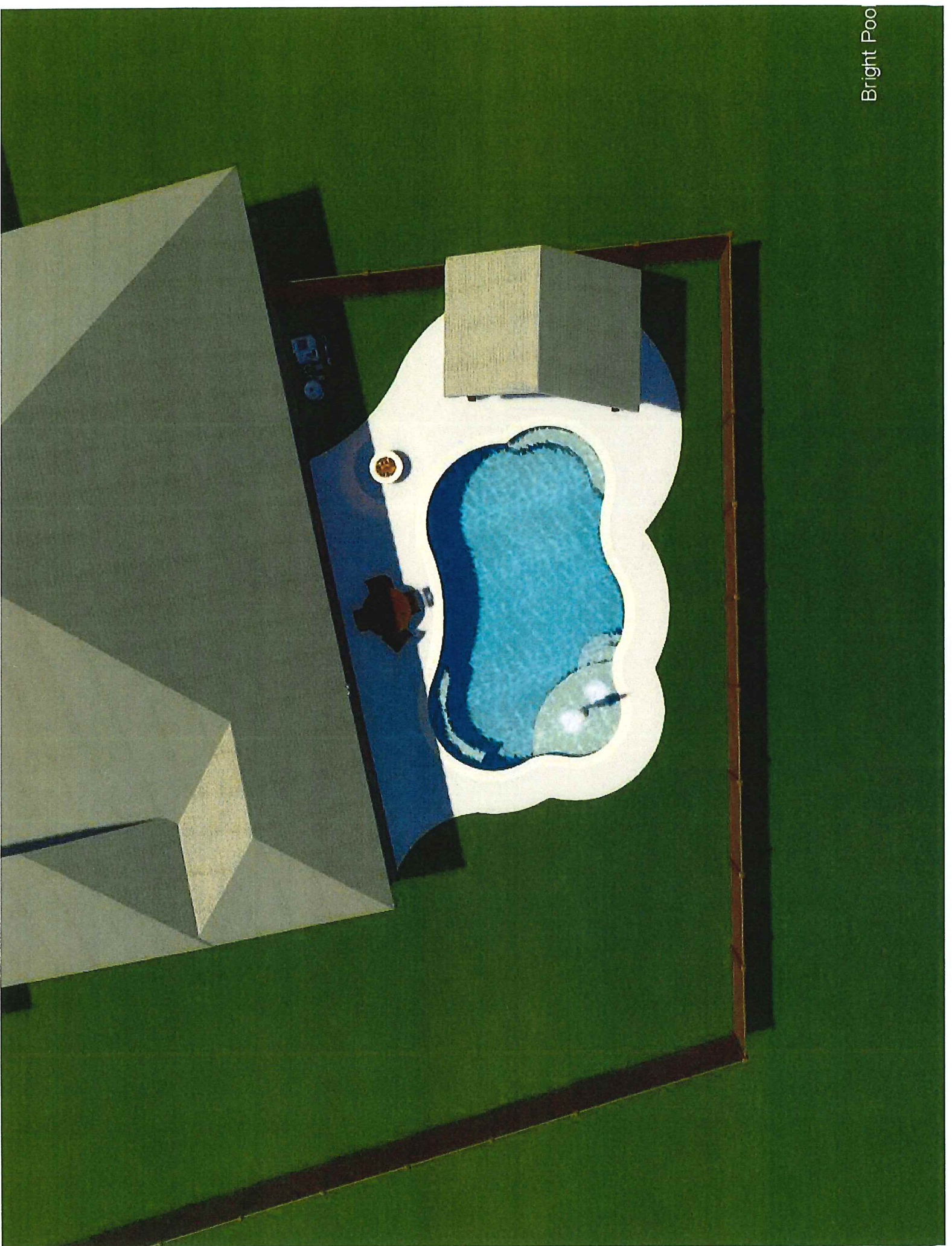
Approval

I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to a location may delay the project and/or result in additional cost.











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 #	2021-0045	Valuation:	\$5,000.00
Zoning:		Valuation w/	\$0.00
		Land:	
Project Address:	400 MONTPELIER	Subdivision:	
Lot:	Block:		
<u>Project Description:</u>			
New SFR		Flatwork	
Plumbing/Electrical		Accessory Building	Yes
Swimming Pool		Sprinkler	
SFR Remodel/Addition		Fence	
Roof		Specify Other:	
Other			
Proposed Use:	ACCESSORY BUILDING		
Description of Work:	15 X 10 CEDAR STRUCTURE WITH COMPOSITION SHINGLES TO MATCH HOME		
<u>Area Square Feet:</u>			
Living:	Garage:	Covered Porch:	
Total:	0.00		
# of Stories:			

Homeowner Details

Name: MAJUSTA ALLEN

Address: 400 MONTPELIER, OVILLA ,TX 75154

Phone # (214) 418-4156 **Email:**

Applicant Details

Applicant Type: Agent

Name: BRIGHT POOLS LLC

Address: ,

Phone # (214) 762-5388 **Email:**

General Contractor Details

License #

Company: BRIGHT POOLS LLC

Name: JUSTIN BRIGHT

Phone # (214) 762-5388 Email: BRIGHTPOOLSLLC@GMAIL.COM

Mechanical Contractor Details

License #

Company:

Name:

Phone # Email:

Electrical Contractor Details

License # 31012

Company: ROJO ELECTRICAL SERVICES

Name: JUAN GRANADOS

Phone # (214) 886-0250 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

Building Permit Fee: \$0.00

Park Impact Fee: \$0.00

Capital Recovery Fee: \$0.00

Fire Meter: \$0.00

Water Meter Cost: \$0.00

Water Impact: \$0.00

Sewer Connection Fee: \$0.00

Sewer Impact: \$0.00

Total Fees: \$0.00

Issued Date:

Expiry Date:

Issued By:

BV Project #

21.03



Building Permit

City of Ovilla

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

Permit No. 2021-0045

Location: 400 MONTPELIER

Description: 15 X 10 CEDAR STRUCTURE WITH COMPOSITION SHINGLES TO MATCH HOME

Owner: MAJUSTA ALLEN

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



Accessory Building Permit Checklist

DATE 2-23-2021

OWNER ALLEN, MAJUSTA

ADDRESS 400 Montpelier

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Accessory / Cabana
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☐ Brick ☐ Stone ☐ Hardiplank ☐ Wood ☐ Other
5. Roof Material Composition
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 38.7
 - b. 5 feet from side property lines ☒ Yes ☐ No
 - c. Behind Rear plane of house ☒ Yes ☐ No
9. Septic tank/aerobic sprinkler spray location ☐ Yes ☒ No
10. Electricity ☐ Yes ☐ No
11. Plumbing ☐ Yes ☐ No
12. Number of buildings on property 0
13. Size of property 13
14. Total square footage 150 Total square footage allowed 500
15. Variance required ☒ Yes ☐ No

Approved ☒ Denied ☐ Reason

Location

DATE 2-25-21

NAME Mike Doo

1. Not 100 ft from
front property line

2. NOT Located behind
Rear of Residential
Dwelling.

Majusta Allen

400 Montpelier

Ovilla Texas

Permit # 2021-0045

Accessory Building Request

Variance Requirements

1 -Distance to front property line –

30.3 PLACEMENT

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

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

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

2 Location – Behind Rear plane of Residence

30.3 PLACEMENT

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



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. 21.63



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.

On this particular Property there is a 7.5' utility easement on the back ~~preventing~~ preventing any structure (pool, cabana, etc) So we placed it ~~on~~ the side yard as that was our only ~~possible~~ space I was unaware that the Accessory structure was against code being on the side yard.

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.

There was an easement upon taking homeownership, the back yard is very narrow & the easement along with regional setback from the house would be tight

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.

Cedar
Yes, the Cabana is built out of pressure treated redwood ~~cedar~~
and stained to Accent the home. Also, we will use the same shingle
color, composition to Accent the home.

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 it is an Accessory structure

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. 21.03

REQUEST FOR A VARIANCE

To the

OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 17

Property Address 400 metpeller, ovilla, TX

Block No. C

Zoning Ovilla Parc PH II

The Applicant, Majusta Allen, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 14^{30.3A}, Chapter 14, Section 14.01 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

Seeking to gain Acceptance of a cedar cabana (15x10) Accessory ~~structure~~ structure, it is beside the main dwelling and not behind per code due to the utility easement on back

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



• Case No. 21.03

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 X Justin Bright ^(Bright Pools) of 610 Rustic Trail ^{Middle} ~~Middle~~ Middlethian, Tx 76065
(Applicant's agent) (Address)

214-762-5388 to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

X Applicant's Name Majusta D. Allen
Mailing Address 400 Montpelier Lane
Ovilla, Tx 75154
X Telephone (Hm) 214-418-4156
Telephone (Wk) _____
Email Majusta1122@gmail.com

X M. Allen
Applicant's signature

2-12-2021
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: _____

• Case No. 21.03

OFFICE USE ONLY

DATE RECEIVED: _____ HEARING DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____





City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: MAJUSTA ALLEN
Address: 400 MONTPELIER

Case Number: BOA21.03

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3A ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS 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 Stephen Miner			
Alt. Member Vacant			

TOTALS:

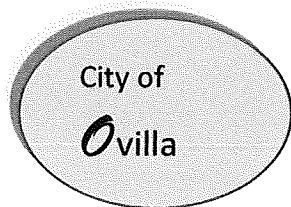
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

City or Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 4

PUBLIC HEARING & DISCUSSION

Meeting Date: March 15, 2021

Attachments:	
1.	Permit Application
2.	Variance Application with attachments
3.	Findings of Fact
Agenda Item / Topic:	
ITEM 3.	BOA21.03 – Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3B <u>ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS</u> filed by Majusta Allen for a residential variance on placement of an accessory building closer than five (5') to the lot line on her property at 400 Montpelier Ln., Ovilla, TX 75154.
Discussion / Justification:	
APPLICANT:	Majusta Allen
LOCATION:	400 Montpelier Ln
ZONING:	R22 Residential (22,000 sf)
Applicant's Proposal: <i>Applicant/owner of said property, requests to place her accessory building closer than five (5') to the lot line on her property.</i>	
Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.3, <u>ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS</u> , states:	
B. Other Setbacks. An accessory building may not be closer than five (5) feet to the lot line on any side and no closer than one hundred (100') feet to the front line.	
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 and 19 certified letters mailed. There has been one response.	
N/A	
Sample Motion(s):	
"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO MAJUSTA ALLEN TO CONSTRUCT AN ACCESSORY BUILDING THAT IS FIVE (5')	

***CLOSER TO THE LOT LINE ON HER PROPERTY AT 400 MONTPELIER LN AS
PRESENTED IN BOA21.03.”***

Residential Building Permit Application

Building Permit Number: <u>0045</u>		Valuation: <u>\$500</u>	
Zoning: _____		Valuation w/land: _____	
Project Address: <u>400 Montpelier, Ovilla, TX</u>			
Lot: <u>17</u>	Subdivision: <u>Ovilla Park</u>		
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 checked="" type="checkbox"/> FENCE <input type="checkbox"/>			
Proposed Use: <u>15x10 cedar structure w/ composition shingles to match home</u>			
Description of Work: <u>15x10 cedar cabana w/ composition shingles</u>			
Area Square Feet: _____	Covered _____	Total: <u>150 sq ft</u>	
Living: _____	Garage: _____	Porch: _____	Number of stories: _____

Homeowner's name: <u>Margusta Allen</u>			
Address: <u>400 Montpelier, Ovilla, TX</u>			
Phone Number: <u>(214) 418-4156</u>	Home Number: _____	Mobile Number: _____	

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Bright Pools LLC</u>	<u>Justin Bright</u>	<u>(214) 762-5388</u>	
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
<u>rojo electrical services</u>	<u>juan granados</u>	<u>(214) 886-0250</u>	<u>31012</u>
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: [Signature] Date: 2/12/2021

OFFICE USE ONLY:

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

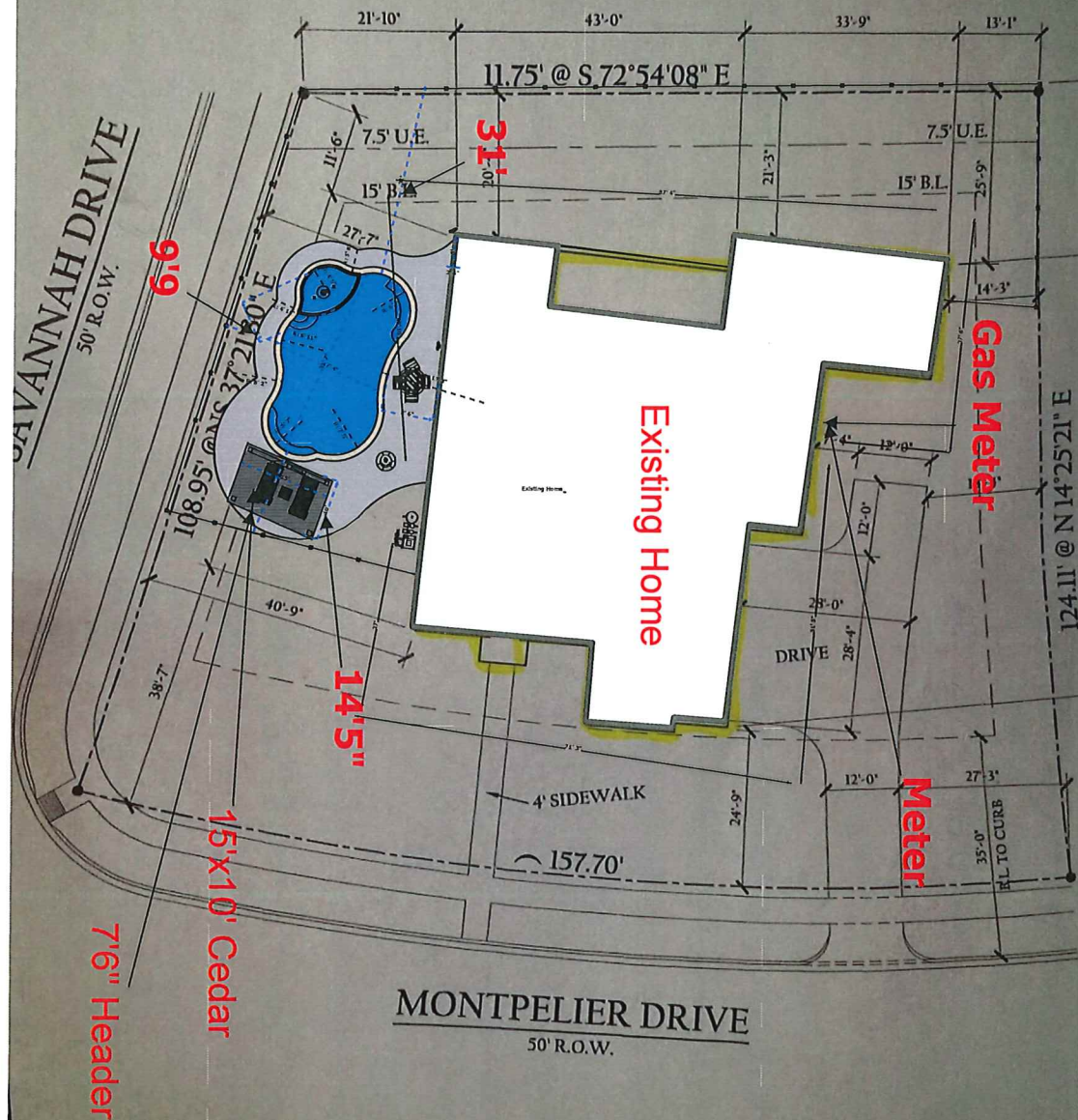
Plan Review Fee: _____
 Building Permit Fee: _____
 Park Impact Fee: _____
 Capital Recovery Fee: _____
 Fire Meter: _____
 Water Meter Cost: _____
 Water Impact: _____
 Sewer Connection Fee: _____
 Sewer Impact: _____

Receipt # _____

Total Fees: _____
 Issued Date: _____
 Expires: 180 Days
 Issued By: _____

BV Project # _____

TOTAL LOT AREA: 16,036 S.F.

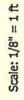


PLAN
3096

LILLIAN
COLLECTION HOMES

OVILLA PARC
PHASE II
400 MONTPELIER DRIVE
LOT: 17 BLOCK: C
SCALE 1" = 25'-0"

ADAMSON
Home Designs, Inc.
www.adamsonhomedesigns.com



Project Name: Allen
Client Name: Malusta Allen
Client Email: maluk1122@gmail.com
Client Phone: (214) 418-4158
Address: 400 Montpelier
City: Ovilia
State/Province: TX
Zip/Postal Code: _____
Designer Name: Justin Bright

Block: _____
 Subdivision: _____
 Lot #: _____ Gate Code: _____
 PG: _____ PB: _____
 Notes: _____



BRIGHT
POOLS, LLC

Perimeter: 80'*	Area: 475.33'
Envelope: 32'1" x 18'6"	RTNS: 5
Depth: 3.5-5.5-4	Lights: 2 LED
Drain: Ant Vortex	P.C.:
Skid: S/S Marine	Volume: 13
Dig Type: Excavator	
Spillover Length(s):	
Coping Material(s):	
Interior Finish: White w/ Blue quartz	
Notes:	

Spa Specs

Perimeter: _____ Area: _____
 Job: _____ Height: _____
 Lights: _____ RTNS: _____
 Drains: _____ Spillover L: _____
 Coping Material: _____
 Interior Finish: _____
 Notes: _____

Tile Specs

Raised Beams: _____

Pool Tile Material: 6" Waterline

Spa Tile Material: _____

Notes: _____

Deck Specs

Perimeter: _____ Area: 716 sq ft

Coping Area: _____

Coping Material: _____

Surface Material: Standard Finish

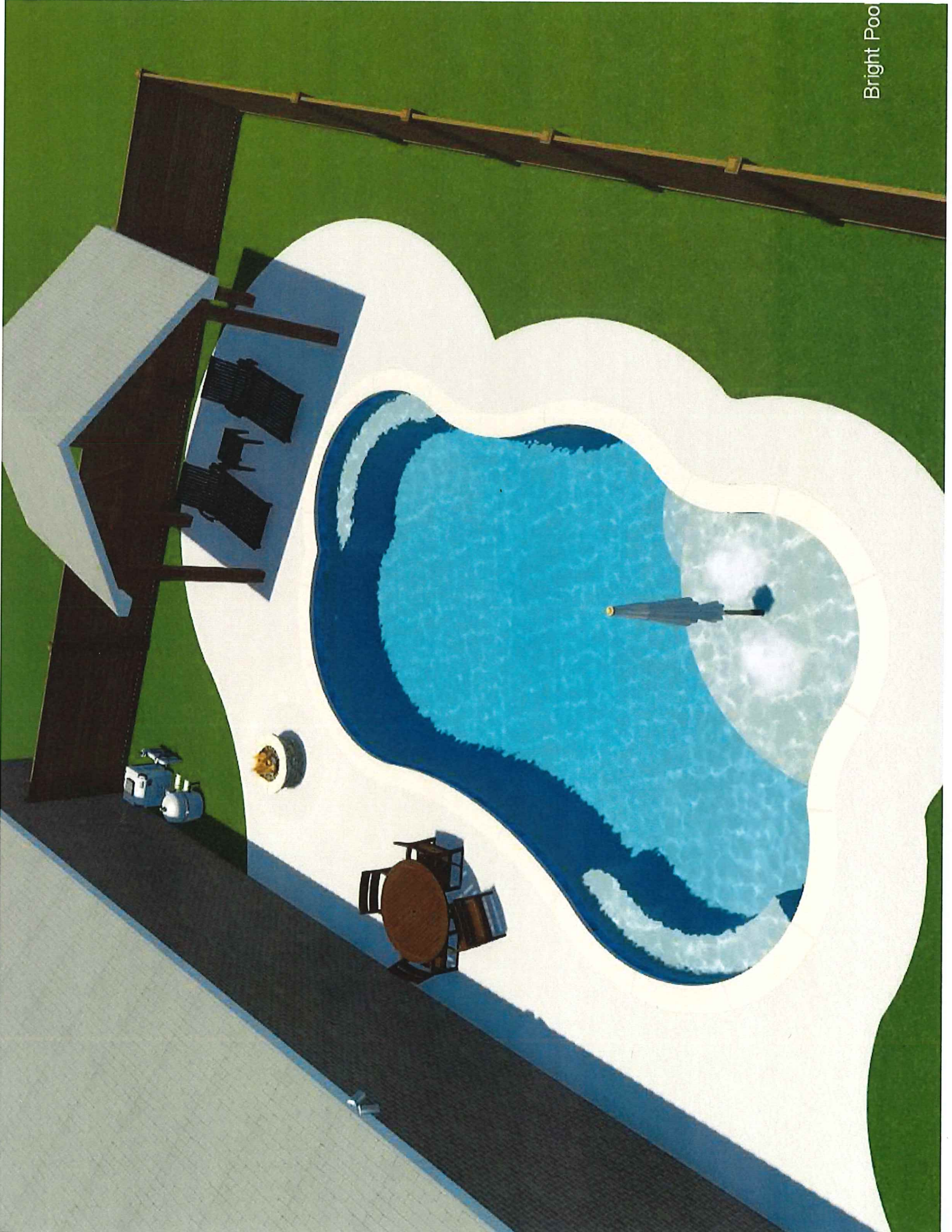
Turn Down: _____ Riser: _____

NOTES: _____

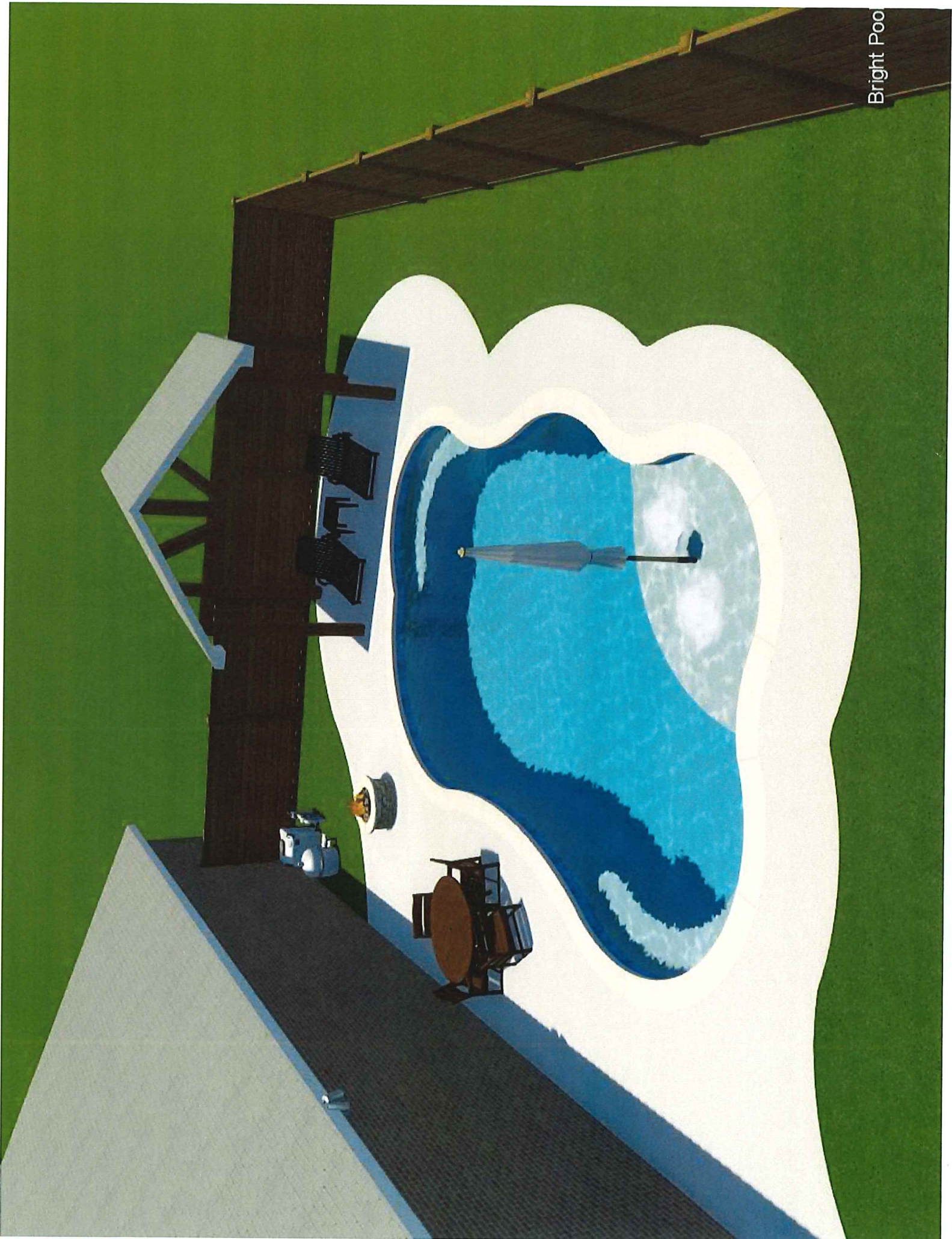
Equipment	
Circ Pump: IntelliFlo 2HP	Control Panel: IntelliFlo
Pump #2: Boost Rite	Remotes: See Notes
Pump #3:	Sanitizor: Clorox
Filter: Cartridge 520	Blower:
Heater: MasterTemp 400	Fill Line: Auto
Cleaner: Polaris 280	Other:
Pool Light: 2 LED Color	Other:
Spa Light: 1 LED Color	Other:
Other:	Other:
NOTES:	

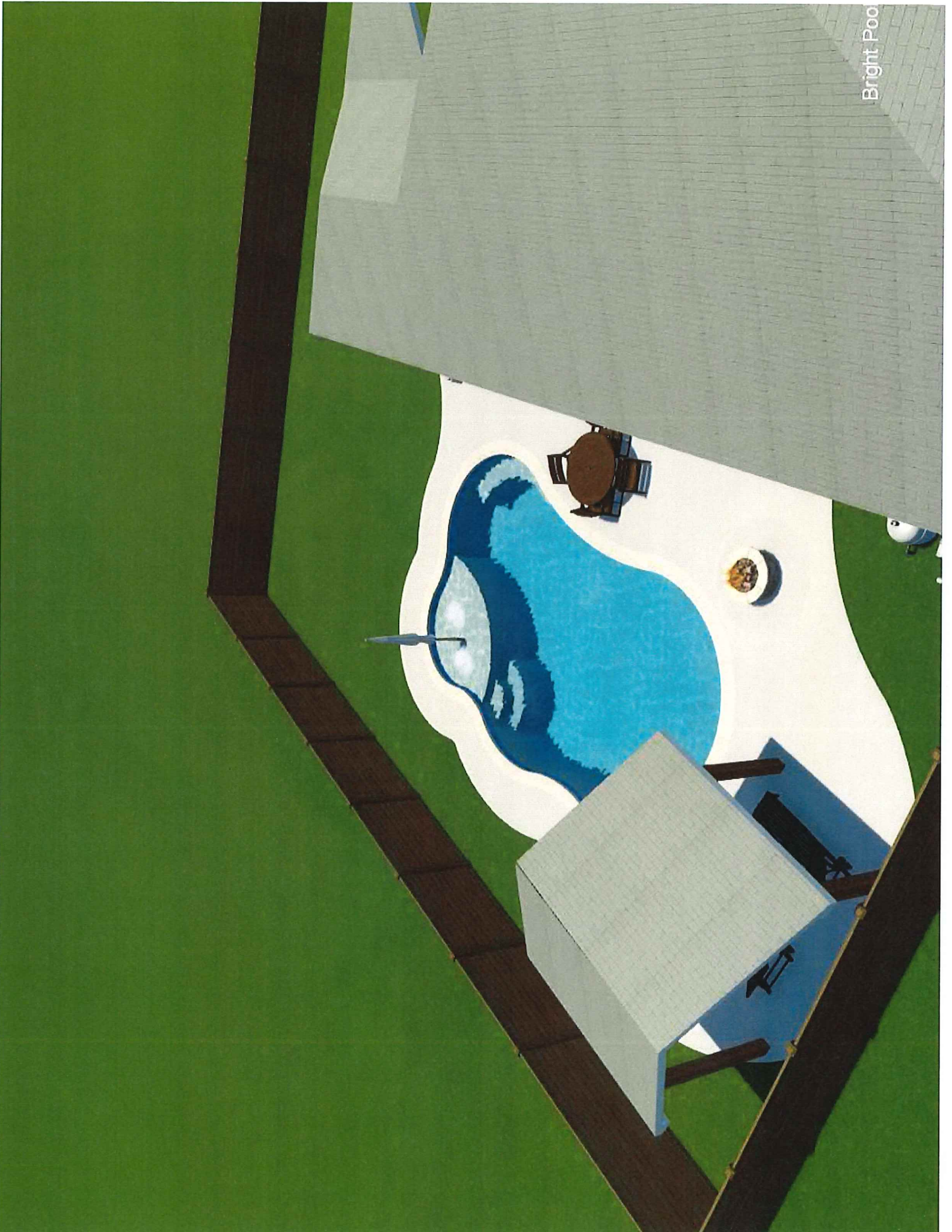
Approval

I/we (the undersigned) have reviewed and approve it as correct within the tolerance. I/we understand that any change made to a shape or to a location of a project and/or result in additional



Bright Pool









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 #	2021-0045	Valuation:	\$5,000.00
Zoning:		Valuation w/	\$0.00
		Land:	
Project Address:	400 MONTPELIER		
Lot:	Block:	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:	ACCESSORY BUILDING		
Description of Work:	15 X 10 CEDAR STRUCTURE WITH COMPOSITION SHINGLES TO MATCH HOME		
<u>Area Square Feet:</u>			
Living:		Garage:	Covered Porch:
Total:	0.00		
# of Stories:			

<u>Homeowner Details</u>	
Name: MAJUSTA ALLEN	
Address: 400 MONTPELIER, OVILLA ,TX 75154	
Phone # (214) 418-4156 Email:	
<u>Applicant Details</u>	
Applicant Type: Agent	
Name: BRIGHT POOLS LLC	
Address: ,	
Phone # (214) 762-5388 Email:	

General Contractor Details**License #****Company:** BRIGHT POOLS LLC**Name:** JUSTIN BRIGHT**Phone #** (214) 762-5388 **Email:** BRIGHTPOOLSLLC@GMAIL.COM**Mechanical Contractor Details****License #****Company:****Name:****Phone # Email:****Electrical Contractor Details****License #** 31012**Company:** ROJO ELECTRICAL SERVICES**Name:** JUAN GRANADOS**Phone #** (214) 886-0250 **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
Building Permit Fee: \$0.00
Park Impact Fee: \$0.00
Capital Recovery Fee: \$0.00
Fire Meter: \$0.00
Water Meter Cost: \$0.00
Water Impact: \$0.00
Sewer Connection Fee: \$0.00
Sewer Impact: \$0.00

Total Fees: \$0.00
Issued Date:
Expiry Date:
Issued By:
BV Project #

21.03



Building Permit

City of Ovilla

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

Permit No. 2021-0045

Location: 400 MONTPELIER

Description: 15 X 10 CEDAR STRUCTURE WITH COMPOSITION SHINGLES TO MATCH HOME

Owner: MAJUSTA ALLEN

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



Accessory Building Permit Checklist

DATE 2-23-2021

OWNER ALLEN, MAJUSTA

ADDRESS 400 Montpelier

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Accessory / Cabana
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☐ Brick ☐ Stone ☐ Hardiplank ☐ Wood ☐ Other
5. Roof Material Composition
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 38.7
 - b. 5 feet from side property lines ☒ Yes ☐ No
 - c. Behind Rear plane of house ☒ Yes ☐ No
9. Septic tank/aerobic sprinkler spray location ☐ Yes ☒ No
10. Electricity ☐ Yes ☐ No
11. Plumbing ☐ Yes ☐ No
12. Number of buildings on property 0
13. Size of property 13
14. Total square footage 150 Total square footage allowed 500
15. Variance required ☒ Yes ☐ No

Approved

Denied

Reason

Location

DATE 2-25-21

NAME Mike Doo

1. Not 100 ft from front property line
2. NOT Located behind Rear of Residential Dwelling.

Majusta Allen

400 Montpelier

Ovilla Texas

Permit # 2021-0045

Accessory Building Request

Variance Requirements

1 -Distance to front property line –

30.3 PLACEMENT

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

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

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

2 Location – Behind Rear plane of Residence

30.3 PLACEMENT

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



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. 21.63



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.

On this particular Property there is a 7.5' utility easement on the back ~~preventing~~ preventing any structure (pool, cabana, etc) So we placed it ~~on~~ the side yard as that was our only ~~usable~~ space. I was unaware that the Accessory structure was against code being on the side yard.

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.

There was an easement upon taking homeownership, the back yard is very narrow & the easement along with required set back from the house would be tight

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.

Cedar
Yes, the cabana is built out of pressure treated redwood ~~cedar~~
and stained to Accent the home. Also, we will use the same shingle
color, composition to Accent the home.

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 it is an Accessory structure

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. 21.03

REQUEST FOR A VARIANCE

To the

OVILLA ZONING BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 17

Property Address 400 metpelier, ovilla, TX

Block No. C

Zoning Ovilla Parc PH II

The Applicant, Majusta Allen, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 14^{30.34}, Chapter 14, Section 14.01 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

Seeking to gain Acceptance of a cedar cabana (15x10) Accessory ~~structure~~ structure, it is beside the main dwelling and not behind per code due to the utility easement on back

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



• Case No. 21.03

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 Justin Bright ^(Bright Pools) of 610 Rustic Trail ^{Middle} Midlothian, Tx 76065
(Applicant's agent) (Address)

214-762-5388 to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

X Applicant's Name Majusta D. Allen
Mailing Address 400 Montpelier Lane
Ovilla, Tx 75154
X Telephone (Hm) 214-418-4156
Telephone (Wk) _____
Email Majak.1122@gmail.com

X M. Allen
Applicant's signature

2-12-2021
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: _____

• Case No. 21.03

OFFICE USE ONLY

DATE RECEIVED: _____ HEARING DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____



receipt

City of Ovilla
105 Cockrell Hill Rd.
Ovilla, TX 75154

Receipt #: 8416
User: Jessica Foresman
Payment Date: 2/25/2021
Batch: 25426 - 2/25/2021 CREDIT CARD

100-4000490 Variance Application
General Fund Deposits

400 MONTPELIER #45

Amount Due: \$200.00
Applied: \$200.00
Balance: \$0.00

2/25/2021

Reference: 79253903

Other: \$200.00
Applied: \$200.00
Change: \$0.00

City of Ovilla-CP
Other

105 S Cockrell Hill Rd
Ovilla, TX 75154
972-617-7262

2/25/2021 4:08:34 PM

Auth Code: 1746G

Transaction ID: 79253903

Reference ID: 11664726

Desc: **VARIANCE FEE** - 400
MONTPELIER/PERMIT
#0045

Transaction Type: Credit Card

Card Type: 4

Card Number: XXXXXXXXXXXX4656

Name: JUSTIN BRIGHT

Amount: \$200.00

I authorize the merchant to charge my credit card for the amount listed above. I understand that my card will be charged \$200.00 and my credit card statement will show this charge as from OVILLA-MISC GOVT. By signing below I acknowledge and agree to all of the terms listed above.

X _____

Merchant Copy



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: MAJUSTA ALLEN
Address: 400 MONTEPELIER

Case Number: BOA21.03

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3B ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS 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:

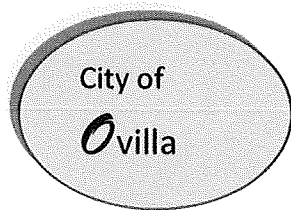
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

City or Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 5

DISCUSSION & ACTION

Meeting Date: March 15, 2021

Attachments:	
None	
Agenda Item / Topic:	
ITEM 5.	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	