

AGENDA
Board of Adjustment Meeting
Via: Zoom Only
Monday, April 19, 2021

SUPPLEMENTAL NOTICE OF MEETING BY TELEPHONE CONFERENCE:

In accordance with the orders of the Office of the Governor, the City Council of the CITY OF OVILLA will conduct the meeting scheduled at 7:00 PM, Monday, April 19, 2021, 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: 926 4583 5080

If you would like to join the meeting with your computer, tablet, or smartphone:
<https://zoom.us/j/92645835080>

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, April 19, 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 March 15, 2021 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. **BOA 21.02 – Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Stephanie Sorrels for a residential special exception for a fence that is on or beyond the building line on her property at 624 Meadow Lark Dr., Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Stephanie Sorrels.

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

Chair Carol Richtsmeier, PL1
Vacant, 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. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Tabled Consent Item from the March 2021 Regular BOA Meeting

Consent Item(s) - Minutes of the December 21, 2020 Zoning board of Adjustment Meeting

Consider motion to remove item from table.

Consider action on Item.

Adjournment

This is to certify that a copy of the Notice of the Ovilla Board of Adjustment Meeting scheduled for **April 19, 2021 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 16th day of April 2021, prior to 6:00 p.m.

Cathy Gaeta

Cathy Gaeta
Deputy City Secretary

DATE OF POSTING:
DATE TAKEN DOWN:

4/16/21 TIME: 4:05 am/pm



CITY OF OVILLA MINUTES
Monday, March 15, 2021
Board of Adjustment Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:05 p.m. and called roll with the following BOA members announcing their presence **via teleconference**, thus constituting a quorum:

Barbara Betik	PL3 Board Member
Stephanie Heimbuch	PL4 Board Member
Steven Miner	PL6 Alt. Board Member

Four board members were present constituting a quorum. PL2 Patricia Halyard-King and PL5 Richard Ware were noted absent. PL 4 Heimbuch served as Vice Chair in PL2 King's absence. Staff present included City Manager, Pam Woodall, City Secretary, G Miller, Deputy City Secretary, Cathy Gaeta, and Code Enforcement Officer, Mike Dooly.

The Pledge of Allegiance was led at this time.

CONSENT ITEMS

Minutes of the December 21, 2020 Zoning Board of Adjustment Meeting

PL3 Betik questioned the minutes from December 21, 2020 consent item as presented due to the vote count including the alternate.

Chair Richtsmeier tabled the minutes.

PUBLIC HEARING & 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.

Chair Richtsmeier read 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. The applicant is requesting to replace a fence that was previously there before the TX Dot removed it due to the road widening project. Dooly advised that the height and material met city code requirements.

(Testimony that followed was under proper oath, Applicant) Armando Aguilar reiterated Mr. Dooly's statements, adding that it would provide safety and protection for his animals.

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

None

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

None

(Rebuttal or Final Comments)

None

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

Richard Ware, PL5
Steven Miner, PL6 Alt.

CITY OF OVILLA MINUTES
Monday, March 15, 2021
Board of Adjustment Meeting

City Hall received one letter in opposition of the special exception from neighboring property owner Jerry Wells, 3162 Ovilla Road, Ovilla, TX 75154 stating we should abide by the City Ordinance.

The Public Hearing was closed at 7:17 p.m.

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

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.

PL3 Betik moved that the BOA APPROVE the request for Armando Aguilar for a Special Exception as requested on his property at 3001 Ovilla Road, Ovilla, TX 75154 in BOA 21.01. PL4 Heimbuch seconded the motion.

Record vote was called:

Record Vote:

PL 1 Richtsmeier	<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 4-0.

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.

Chair Richtsmeier read the captioned request and opened the Public Hearing at 7:27 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 they have a swimming pool and are requesting a gazebo type building that violates two city ordinances. One is that the building needs to be behind the rear plane of the main dwelling and the other being a minimum of 100' from the front property line. This is a small, corner lot with a utility easement in the back. The building is partially built, and a permit was not requested for in advance.

(Testimony that followed was under proper oath, Applicant's Representative)

The applicant's contractor, Justin Bright (Bright Pools LLC) spoke in representation of the homeowner. He was not aware that it was part of the restrictions and pushed it to the side of the

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

Richard Ware, PL5
Steven Miner, PL6 Alt.

CITY OF OVILLA MINUTES
Monday, March 15, 2021
Board of Adjustment Meeting

house, trying to stay away from the utility easement. He explained he was not aware that he needed a separate permit to build the gazebo when installing the pool.

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

(Testimony that followed was under proper oath, Citizen)

Madeline Gill, 510 Savannah Dr., Ovilla, TX 75154 – stated she lives directly across from applicant and have no opposition to it aesthetically.

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

None

(Rebuttal or Final Comments)

None

(Testimony that followed was under proper oath, Citizen)

D. Camble, 301 Covington Ln, Ovilla, TX 75154 – Questions regarding the placement of the building, size of the pool, and staying within city guidelines.

City Hall received one letter in opposition of the special exception from neighboring property owners Randy B and Judith A. Rider, 506 Savannah Dr., Ovilla, TX 75154 stating it is not aesthetically pleasing to the neighborhood.

The Public Hearing was closed at 7:50 p.m.

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

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

PL3 Betik moved that the BOA **DENY** the request for Majusta Allen for a Variance as requested on her property at 400 Montpelier, Ovilla, TX 75154 in BOA 21.03

Chair Richtsmeier seconded the motion.

Record vote was called:

Record Vote:

PL 1 Richtsmeier	<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 DENY carried 4-0.

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.

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

Richard Ware, PL5
Steven Miner, PL6 Alt.

CITY OF O'VILLA MINUTES
Monday, March 15, 2021
Board of Adjustment Meeting

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 8:08 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 stated as previously explained in Item 2 the request violates two city ordinances. The gazebo had been started without a permit.

Chair Richtsmeier stated Item 3 would not be applicable due to the prior denial of Item 2.

Justin Bright withdrew his request.

No action was taken.

The Public Hearing was closed at 8:15 p.m.

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

None

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 8:15 p.m.

Chair Carol Richtsmeier

ATTEST:

Cathy Gaeta, Deputy City Secretary
Attachment(s): Findings of Fact (2)

Approved on April 19, 2021

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

*Richard Ware, PL5
Steven Miner, PL6 Alt.*



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	ABSENT		
STEPHANIE HEIMBUCH	✓		
BARBARA BETIK	✓		
PATRICIA HALYARD-KING	ABSENT		
VACANT			
STEVEN MINER	✓		

TOTALS:

4

—

—

**FOR
AGAINST
ABSTAIN**

The special exception is hereby:

✓ granted _____ denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE



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	ABSENT		
Member Barbara Betik		✓	
Member Patricia Halyard-King	ABSENT		
Member Stephanie Heimbuch		✓	
Alt. Member Stephen Miner		✓	
Alt. Member Vacant			

TOTALS:

— **FOR**
— **4 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: 1

PUBLIC HEARING & DISCUSSION

Meeting Date: April 19, 2021

Attachments:

1. Permit Application
2. Special Exception Application with attachments
3. Findings of Fact

Agenda Item / Topic:

ITEM 1. **BOA 21.02 – *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Stephanie Sorrels for a residential special exception for a fence that is on or beyond the building line on her property at 624 Meadow Lark Dr., Ovilla, TX 75154.

Discussion / Justification:

APPLICANT: Stephanie Sorrels
LOCATION: 624 Meadow Lark Dr
ZONING: R22 Residential (22,000 sf)

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, **FENCES IN RESIDENTIAL DISTRICTS, states:**

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. (See Chapter 29.6, CORNER LOTS – For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in the appropriate zoning district area regulations.)

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

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

NOTICES: Public notice listed in The Ellis County Press and 8 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 STEPHANIE SORRELS TO CONSTRUCT A FENCE ON OR BEYOND THE BUILDING LINE ON HER PROPERTY AT 624 MEADOW LARK DRIVE AS PRESENTED IN BOA21.02."

City of Ovilla

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

BOA 21.02
105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	689	Valuation:	1000-
Zoning:	Valuation w/land:		
Project Address:	624 Meadow Lark Drive Ovilla TX 75154		
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:	Privacy		
Description of Work:	330 linear ft wood fence on Metal Post 8ft tall		
Area Square Feet:	Covered	Porch:	Total: _____ Number of stories: _____
Living:	Garage:		

Homeowner's name:	STEPHANIE SORRELS		
Address:	624 Meadow Lark Drive Ovilla TX 75154		
Phone Number:	469-449-3523	Home Number	Mobile Number: _____

General Contractor	Contact Person	Phone Number	Contractor License Number
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: Stephanie Sorrels Date: 12/10/2020

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:		

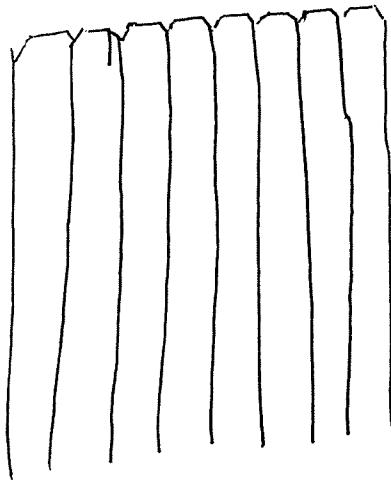
Cathy Gaeta

From: stephaine turner
Sent: Friday, December 18, 2020 10:29 AM
To: Cathy Gaeta
Subject: 624 Meadowlark Drive
Attachments: drawing of fence.pdf

This is the drawing of the fence. I am basically replacing the existing chain link fence with a wood fence. Please let me know if you need additional information.

Kind Regards,

Stephanie Sorrels



Dog EAR Picket FENCE

8ft post placed 2ft in ground

Pickets are 6ft tall

3 rails per SECTION

Dim: 1x6x6 each picket

624 Meadow LARK Drive

BOA 21.02

QUOTE

Touched by the Master

Lawncare Service

2722 Kingsley Rd, Suite 101

Phone 214 952-2392

Email: touchedbythamaster@gmail.com

DATE: DECEMBER 4, 2020

“Aiming to please by pleasing you”

EXPIRATION DATE DECEMBER 7, 2020

TO Stephaine Sorrels
624 Meadowlark Dr.
Red Oak, TX 75154

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Jimmy Sherman	352 LNF Cedar Fence 6' Side x Side	\$6440.89 due on bid acceptance for materials	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
44	Metal Post		\$750.00
24	2x6x16 pretreated kickboard		\$354.00
42	1x4x8 trim		\$104.00
726	6' x 5.5" cedar picket		\$2178.00
63	2x4x16 cedar rail		\$551.00
1	4ft walk Gate		\$100.00
1	6ft x 22ft swing gate		\$500.00
	Includes removal and disposal of old fence		

SUBTOTAL	\$4537.00
SALES TAX	\$414.89
LABOR	\$2000.00
TOTAL	\$6951.89

Quotation prepared by: Jimmy Sherman "Touched by Tha Master Fencing"

This is a quotation on the goods named, subject to the conditions noted below: Installation of new fence will be 4 days maximum

To accept proposal please sign and return _____

Thank you for your business!



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 #	2020-0689	Valuation:	\$0.00		
Zoning:		Valuation w/	\$0.00		
Project Address:	624 MEADOW LARK DR	Land:			
Lot:	13	Block:	2	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:	INSTALL 300 LINEAR FT WOOD FENCE ON METAL POST 8` TALL				
Area Square Feet:					
Living:	Garage:		Covered Porch:		
Total: 0.00					
# of Stories:					

Homeowner Details

Name: STEPHANIE SORRELS
Address: 624 MEADOW LARK DR, OVILLE ,TX 75154
Phone # (469) 449-3523 Email: stephaine901@yahoo.com

Applicant Details

Applicant Type: Owner
Name: STEPHANIE SORRELS
Address: ,
Phone # (469) 449-3523 Email: stephaine901@yahoo.com

General Contractor Details**License #****Company:****Name:****Phone # 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:** \$25.00**Building Permit Fee:** \$25.00**Issued Date:****Park Impact Fee:** \$0.00**Expiry Date:****Capital Recovery Fee:** \$0.00**Issued By:****Fire Meter:** \$0.00**BV Project #****Water Meter Cost:** \$0.00**Water Impact:** \$0.00**Sewer Connection Fee:** \$0.00**Sewer Impact:** \$0.00



Building Permit

City of Ovilla

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

Permit No. 2020-0689

Location: 624 MEADOW LARK DR

Description: INSTALL 300 LINEAR FT WOOD FENCE ON METAL POST 8` TALL

Owner: STEPHANIE SORRELS

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site

Stephanie Sorrels
624 Meadowlark
Special Exception Ordinance
Fence Permit Request 2020 – 0689

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.

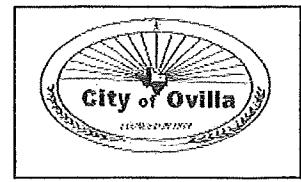
2. Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence.

29.6 CORNER LOTS

For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in the appropriate zoning district area regulations.

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: _____
Case No. BOA 21.02

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. 13 Property Address 624 Meadowlark Dr

Block No. 2 Ovilla, TX 75154

Property Zoned RE

OWNER OF PROPERTY STEPHANIE SORRELS

APPLICANT STEPHANIE SORRELS

SPECIAL EXCEPTION WOOD PANEL FENCE



Case No. BOA 21.02

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

Replace an existing fence located in front of the side building line on an house located at the corner of Meadow Lark and Westmoreland.

Has a previous appeal been filed on this property?

SS
 YES / NO

If YES, when was the previous appeal filed? _____



Case No. BOA 21.02

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXCEPTION

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

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

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 21.02

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 STEPHANIE Sorels

Mailing Address 624 Meadow Lark Dr
OVILLA TX 75164

Telephone (Hm) 469-449-3523

Telephone (Wk) 214-456-7000

Email Stephaine.901@yahoo.com

Steph S

Applicant's signature

1/15/2021

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: STEPHANIE SORRELS
Address: 624 Meadow Lark Dr.

Case Number: BOA 21.02

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			
VACANT			
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

DISCUSSION & ACTION

Meeting Date: April 19, 2021

Attachments:	
None	
Agenda Item / Topic:	
ITEM 2.	DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.
Discussion / Justification:	
N/A	
Recommendation / Staff Comments:	
N/A	
Sample Motion(s):	
N/A	

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Tabled

Meeting Date: April 19, 2021

Department: Administration

Discussion Action

Zoned: Res. Commercial

Attachments:

1. December 12, 2020 Minutes

Agenda Item / Topic:

Tabled Consent item from the March 2021 Regular BOA Meeting

Minutes of the December 21, 2020 Zoning Board of Adjustment Meeting

Consider motion to remove item from table-

Consider action on item.

Discussion / Justification:

Request to table the minutes from the December 12, 2020 Zoning Board of Adjustment meeting to correct the vote counts to exclude the alternate's vote as enough Board members were present to justify a quorum.

Recommendation / Staff Comments:

None

Sample Motion(s):

I make a motion to approve the minutes from the December 12, 2020 Zoning Board of Adjustment meeting with corrections made on the vote count as presented.

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>AYE**</u>
PL 4 Heimbuch	<u>AYE</u>
ALT PL 6 Miner	

VOTE: The motion to APPROVE carried 4-0.

*****PL3 Betik later let staff know that she was muted during the vote and could not answer, but expressed favor to approve the Minutes as presented.***

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	

VOTE: The motion to APPROVE carried 4-0.

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 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 7:23 p.m. (Testimony that followed was under proper oath, City Representative)

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	

VOTE: The motion to APPROVE carried 4-0.

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 O'VILLA MINUTES
Monday, December 21, 2020
Board of Adjustment Meeting

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

None

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 April 19, 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 FOR
0 AGAINST
0 ABSTAIN

The special exception is hereby:

✓ granted denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE



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:

5 FOR
0 AGAINST
0 ABSTAIN

The variance is hereby: ✓ granted denied

Presiding Officer of BOA

Date

City or Board Secretary