

Chair Carol Richtsmeier, PL1
Steven Miner, PL2
Barbara Betik, PL3
Stephanie Heimbuch, PL4

City of Ovilla

Richard Ware, Jr. PL5
ALT-Vacant, PL6
ALT-Vacant, PL7
Mike Dooly, Code Enforcement

AGENDA **Board of Adjustment Meeting** **Via: Zoom Only** **Monday, May 17, 2021**

SUPPLEMENTAL NOTICE OF MEETING BY TELEPHONE CONFERENCE:

In accordance with order of the Office of the Governor issued, the Ovilla Zoning Board of Adjustment of the CITY OF OVILLA will conduct the meeting scheduled at 7:00 PM, Monday, May 17, 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: 980 2744 4814

If you would like to join the meeting with your computer, tablet, or smartphone:
<https://zoom.us/j/98027444814>

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, May 17, 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 April 19, 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. BOA21.04 – Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 30, Section 3A **ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS** filed by Michael Heimbuch for a residential variance on placement of an accessory building behind the rear plane of the main dwelling on his property at 613 William Dr., Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Michael Heimbuch.

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.

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **May 17, 2021 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 14th day of May 2021, prior to 6:00 p.m.

Cathy Gaeta
Cathy Gaeta
Deputy City Secretary

DATE OF POSTING:
DATE TAKEN DOWN:

5/14/21 TIME: 10:00 am/pm
TIME: _____ 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, April 19, 2021
Board of Adjustment Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:07 p.m. and called roll with the following BOA members announcing their presence **via teleconference**, thus constituting a quorum:

Barbara Betik
Richard Ware
Steven Miner

PL3 Board Member
PL5 Board Member
PL6 Alt. Board Member

Four board members were present constituting a quorum. PL4 Stephanie Hemibuch was noted absent. Staff present included City Manager, Pam Woodall, City Secretary, G Miller, Deputy City Secretary, Cathy Gaeta and Code Enforcement Officer, Mike Dooly.

PL5 Ware served as Vice Chair.

The Pledge of Allegiance was led at this time.

CONSENT ITEMS

Minutes of the March 15, 2021 Zoning Board of Adjustment Meeting

PL3 Betik moved that the BOA APPROVE the request for consent item as presented.
PL5 Ware seconded the motion.

Record vote was called:

Record Vote:

PL1 Richtsmeier	<u>AYE</u>
PL3 Betik	<u>AYE</u>
PL5 Ware	<u>AYE</u>
ALT PL6 Miner	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

PUBLIC HEARING & 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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:12 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 has a dual front property (corner lot) and is replacing an existing wire fence with a new wood fence.

Chair Carol Richtsmeier, PL1
Barbara Betik, PL3
Stephanie Heimbuch, PL4

Richard Ware, PL5
Steven Miner, PL6 Alt

CITY OF OVILLA MINUTES
Monday, April 19, 2021
Board of Adjustment Meeting

(Testimony that followed was under proper oath, Applicant) The applicant reiterated Mr. Dooly's statements, adding that it would be an upgraded fence for privacy and would add value to her property.

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

None

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

None

(Rebuttal or Final Comments)

None

The Public Hearing was closed at 7:18 p.m.

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

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 Stephanie Sorrels on a Special Exception as requested on her property at 624 Meadow Lark in BOA 21.02.

PL6 Miner seconded the motion.

Record vote was called:

Record Vote:

PL 1 Richtsmeier	<u>AYE</u>
PL 3 Betik	<u>AYE</u>
PL 5 Ware	<u>AYE</u>
ALT PL 6 Miner	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

ITEM 2. **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

None

Consider motion to remove table item from March 2021 Regular BOA Meeting
Consent Item(s) – Minutes of the December 21, 2020 Zoning Board of Adjustment meeting.

PL3 Betik moved that the BOA take the consent item off of the table.

PL1 Richtsmeier seconded the motion.

Record vote was called:

Record Vote:

PL 1 Richtsmeier	<u>AYE</u>
PL 3 Betik	<u>AYE</u>

Chair Carol Richtsmeier, PL1
Barbara Betik, PL3
Stephanie Heimbuch, PL4

Richard Ware, PL5
Steven Miner, PL6 Alt

CITY OF OVILLA MINUTES
Monday, April 19, 2021
Board of Adjustment Meeting

PL 5 Ware	<u>AYE</u>
ALT PL 6 Miner	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

Chair made the request for the minutes of the December 21, 2020 Zoning Board of Adjustment meeting to be approved.

PL3 Betik moved that the BOA approve the minutes.
PL5 Ware seconded the motion.

Record vote was called:

Record Vote:

PL 1 Richtsmeier	<u>AYE</u>
PL 3 Betik	<u>AYE</u>
PL 5 Ware	<u>AYE</u>
ALT PL 6 Miner	<u>AYE</u>

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:23 p.m.

Chair Carol Richtsmeier

ATTEST:

Cathy Gaeta, Deputy City Secretary
Attachment(s): Findings of Fact (1)

Approved on May 17, 2021

Chair Carol Richtsmeier, PL1
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: 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 ABSENT			
BARBARA BETIK		√	
VACANT			
VACANT			
STEVEN MINER		√	

TOTALS:

**4 FOR
0 AGAINST
— ABSTAIN**

The special exception is hereby:

√ granted denied

Presiding Officer of BOA

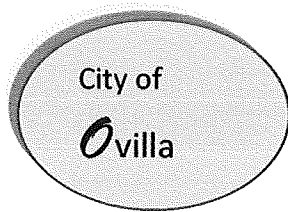
DATE

Attest:

City or Board Secretary

DATE

SPECIAL EXCEPTION BASED ON MUNICIPAL LAW AND PROCEDURE MANUAL



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

PUBLIC HEARING & DISCUSSION

Meeting Date: May 17, 2021

Attachments:	
1. Permit Application	
2. Variance Application with attachments	
3. Findings of Fact	
Agenda Item / Topic:	
ITEM 1.	BOA21.04 – 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 Michael Heimbuch for a residential variance on placement of an accessory building behind the rear plane of the main dwelling on his property at 613 William Dr., Ovilla, TX 75154.
Discussion / Justification:	
APPLICANT:	Michael Heimbuch
LOCATION:	613 William Dr., Ovilla, TX 75154
ZONING:	RE Residential (1 ac)
Applicant's Proposal: <i>Applicant/owner of said property, requests to place his accessory building not located behind the rear plane of the main dwelling of his 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 11 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 MICHAEL HEIMBUCH TO CONSTRUCT AN ACCESSORY BUILDING NOT LOCATED BEHIND THE REAR PLANE OF THE MAIN DWELLING ON HIS PROPERTY AT 613 WILLIAM DRIVE AS PRESENTED IN BOA21.04."

Residential Building Permit Application

Building Permit Number: <u>2021-0081</u>		Valuation: _____	
Zoning: _____		Valuation w/land: _____	
Project Address: <u>613 William Dr</u>			
Lot: <u>11</u>	Block: <u>B</u>	Subdivision: <u>Hollywood Est. Phase III</u>	
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: <u>Pergola 'Free standing'</u>
	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 type="checkbox"/>
Proposed Use: <u>shade</u>			
Description of Work: <u>12x16' Free standing Pergola</u>			
Area Square Feet: _____	Covered <input checked="" type="checkbox"/>		
Living: _____	Garage: _____	Porch: _____	Total: _____ Number of stories: _____

Homeowner's name: <u>Mike Heimbuch</u>		
Address: <u>613 William Dr Ovill</u>		
Phone Number: <u>214-6225</u>	Home Number: _____	Mobile Number: _____

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Custom Fence & Pergola Inc</u>	<u>Blake Lepper</u>	<u>469 337-9385</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

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: 3/29/21

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 # _____

B0A
21.04

LEGAL DESCRIPTION

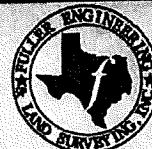
Texas Registered Engineering Firm # F-693 and Surveying Firm # 10094507

Lot 11, Block B, of Holly Wood Estates, Phase 8, an addition to the City of Ovilla, Ellis County, Texas, according to the map thereof recorded in Cabinet B, Slide 185, of the Plat Records, of Ellis County, Texas.

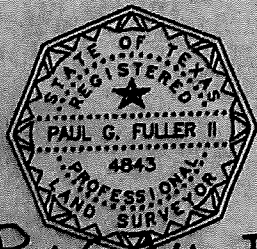
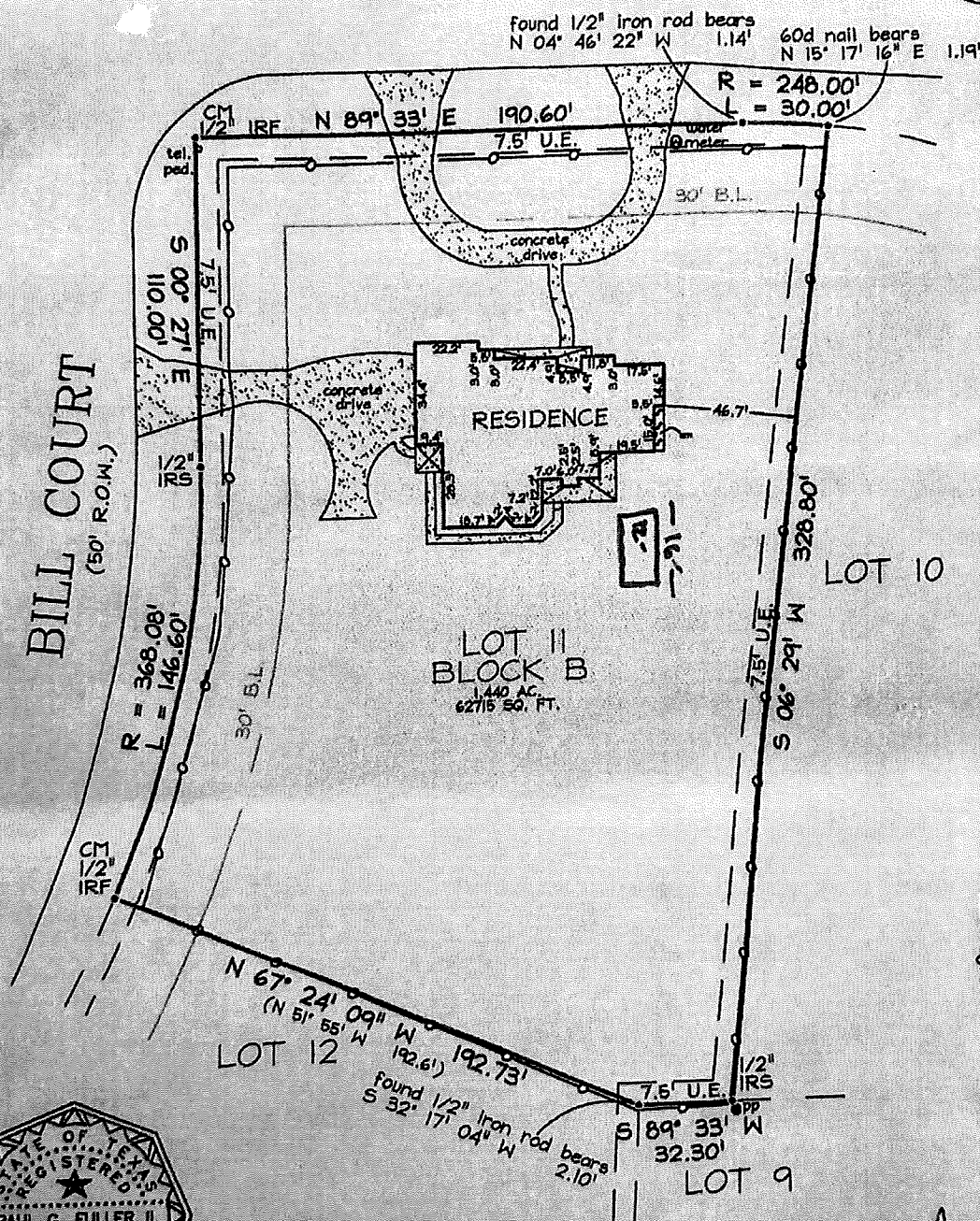
Notes:
This lot is not affected by the following:
(10b)-Easement, Vol. 656, Pg. 106, D.R.E.C.T.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 48194C0075 F, dated June 3, 2013, this property does not lie within a 100-Year Flood Hazard Area.

Scale: 1" = 50'
Tech: JD
Field: DM
Job No: 1505TS15



WILLIAM DRIVE (60' R.O.W.)



Address: 613 WILLIAM DRIVE
G.F. No.: 14801

Date: 06/02/2015

I, Paul G. Fuller II, Registered Professional Land Surveyor No. 4843, do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of the survey, indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of little company, the mortgage company and the purchaser.

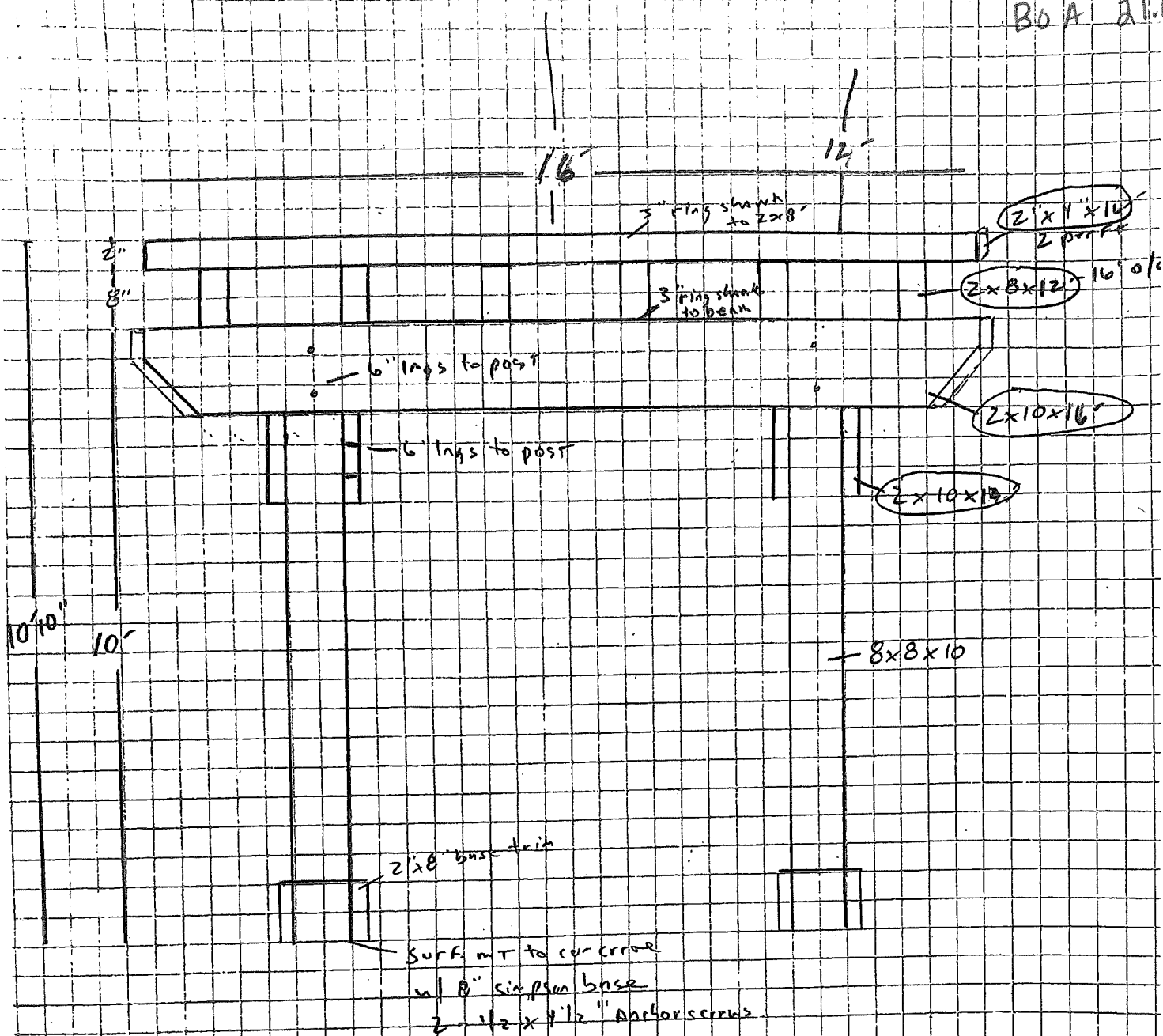
DATE:
ACCEPTED BY:

**FULLER ENGINEERING
& LAND SURVEYING, INC.**

LEGEND OF ABBREVIATIONS AND SYMBOLS

--- = Iron Pipe Fender
--- = Buried Cable Riser
--- = Wood Fence

B6A 21.04



- * Free standing
- * Western red cedar, App grade rough cut (Pergola)
- * 4 8x8x10' post surf mt to concrete w/ 8x8" Simpson base, 2-1/2x1/2" Simpson concrete screws
- * 2-2x10x16 double main beams ATT to post w/ 6" lags
- * 2x8x12 Joist on 16' o/c, 3" horizontal ring shank nailed to top of 2x10" on both sides
- * 2x4x16 top slats, 2x per ft, nail to top of 2x8 Joist w/ 3" ring shank nails
- * 2x8" base trim to cover brackets.
- * pre dip stain & seal either Oxford Brown or Teakwood by wood defender
- * All 2x10's & 2x8" 45° end cut on plan spec. "scrolls"





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 #	2021-0081		Valuation:	\$0.00
Zoning:			Valuation w/	\$0.00
			Land:	
Project Address:	613 WILLIAM DR			
Lot:	11	Block:	B	Subdivision:
<u>Project Description:</u>				
New SFR		Flatwork		
Plumbing/Electrical		Accessory Building	Yes	
Swimming Pool		Sprinkler		
SFR Remodel/Addition		Fence		
Roof		Mechanical		
Other		Specify Other:		
Proposed Use:	ACCESSORY BUILDING			
Description of Work:	12X16 FREE STANDING PERGOLA			
<u>Area Square Feet:</u>				
Living:		Garage:		Covered Porch:
Total:	0.00			
# of Stories:				

<u>Homeowner Details</u>
Name: MICHAEL HEIMBUCH
Address: 613 WILLIAM DR, RED OAK ,TX 75154
Phone # (214) 864-6225 Email:
<u>Applicant Details</u>
Applicant Type: Agent
Name: BLAKE LEPPER
Address: ,
Phone # (469) 337-9335 Email:

General Contractor Details

License #

Company: CUSTOM FENCE & PERGOLA LLC

Name: BLAKE LEPPER

Phone # (469) 337-9335 Email: blake.fence@yahoo.com

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: \$40.00
 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: \$40.00
 Issued Date:
 Expiry Date:
 Issued By:
 BV Project #

BOA 21.04



Building Permit

City of Ovilla

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

Permit No. 2021-0081

Location: 613 WILLIAM DR
Description: 12X16 FREE STANDING PERGOLA
Owner: MICHAEL HEIMBUCH
Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



Accessory Building Permit Checklist

DATE 3-30-21OWNER HermbruchADDRESS 613 William

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building Shade
3. Plot plan with survey stamp ☒ Yes ☐ No
4. Building Material ☐ Brick ☐ Stone ☐ Hardiplank ☒ Wood ☐ Other
5. Roof Material Wood
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 200
 - b. 5 feet from side property lines ☒ Yes ☐ No 75
 - 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 1.38 acres
14. Total square footage 192 Total square footage allowed 1502
15. Variance required ☒ Yes ☐ No

Approved Denied ReasonDATE 4-7-2021NAME Mike Deery

section 30.3 Placement

A. Front Setback
 A Residential Accessory
 Building must be Located
 Completely behind the rear
 plane of the main Dwelling.

Michael Heimbuch

613 William

Ovilla Texas

Permit # 2021-0081

Accessory Building Request

Variance Requirement

1 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.

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.



Case No. BOA 21.04

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. 11

Property Address 613 WILLIAM DRIVE

Block No. B

OVILLA, TX 75154

Zoning RESIDENTIAL

The Applicant, MIKE & STEPHANIE HEIMBUCH, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article _____, Chapter _____, Section _____ of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

SEEKING A VARIANCE FOR THE CONSTRUCTION OF A PERGOLA.
THE PERGOLA WOULD BE CONSTRUCTED ON THE EAST SIDE OF
OUR POOL DECK AND FALLS APPROX 6 FEET BEYOND THE
"REAR PLANE" OF OUR HOME.

ALL SKETCHES ATTACHED ARE NOT TO SCALE.

Has a previously appeal been filed on this property?

YES / NO

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



• Case No. BOA 21.04

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 MICHAEL B. HEIMBUCH of 613 WILLIAM DRIVE
(Applicant's agent) (Address)

214-864-6225, to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

Applicant's Name MIKE & STEPHANIE HEIMBUCH
Mailing Address 613 WILLIAM DRIVE
OVILLA, TX 75154
Telephone (Hm) 214-864-6225
Telephone (Wk) 972-740-8672
Email M.B.HEIMBUCH@GMAIL.COM

[Signature]
Applicant's signature

APRIL 7, 2021
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



BOA
21.04

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.

The area in question lies within an "entertainment area". A pool deck on the east side of our home. This area is not squared off to the most southern edge of our home, creating a "notch" which lies behind the "rear plane" of our home.

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.

As stated above, the south side of our home is not squared off. The area in question was designed for entertainment space.

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

Nothing other than pool decking, plumbing and electric was added to this area prior to this time. All previous work was permitted, approved and inspected by the City of Ovilla.

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.

We request the variance to fit the pergola correctly without compromising existing water lines and pool equipment. The area of the pergola that would extend beyond the "rear plane" of the home is approximately six feet. The northern most edge of the pergola would still be completely behind the existing covered patio and outdoor kitchen area.



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.

* The addition to the "entertainment area" is within all design features of our home. It adds to the overall value of our home and is completely contained within the existing pool fence behind the full structure of our 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.

* The pergola addition is for shade on the east side of the pool deck and completes the "entertainment area" of the back yard and is for personal use only.

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.

BOA
21.04

LEGAL DESCRIPTION

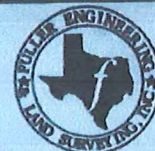
Texas Registered Engineering Firm # F-6331 and Surveying Firm # 1009200

Lot 11, Block B, of Holly Wood Estates, Phase 3, an addition to the City of Ovilla, Ellis County, Texas, according to the map thereof recorded in Cabinet B, Slide 185, of the Plat Records, of Ellis County, Texas.

Notes:
This lot is not affected by the following:
(106)-Easement, Vol. 686, Pg. 1061, D.R.E.C.T.

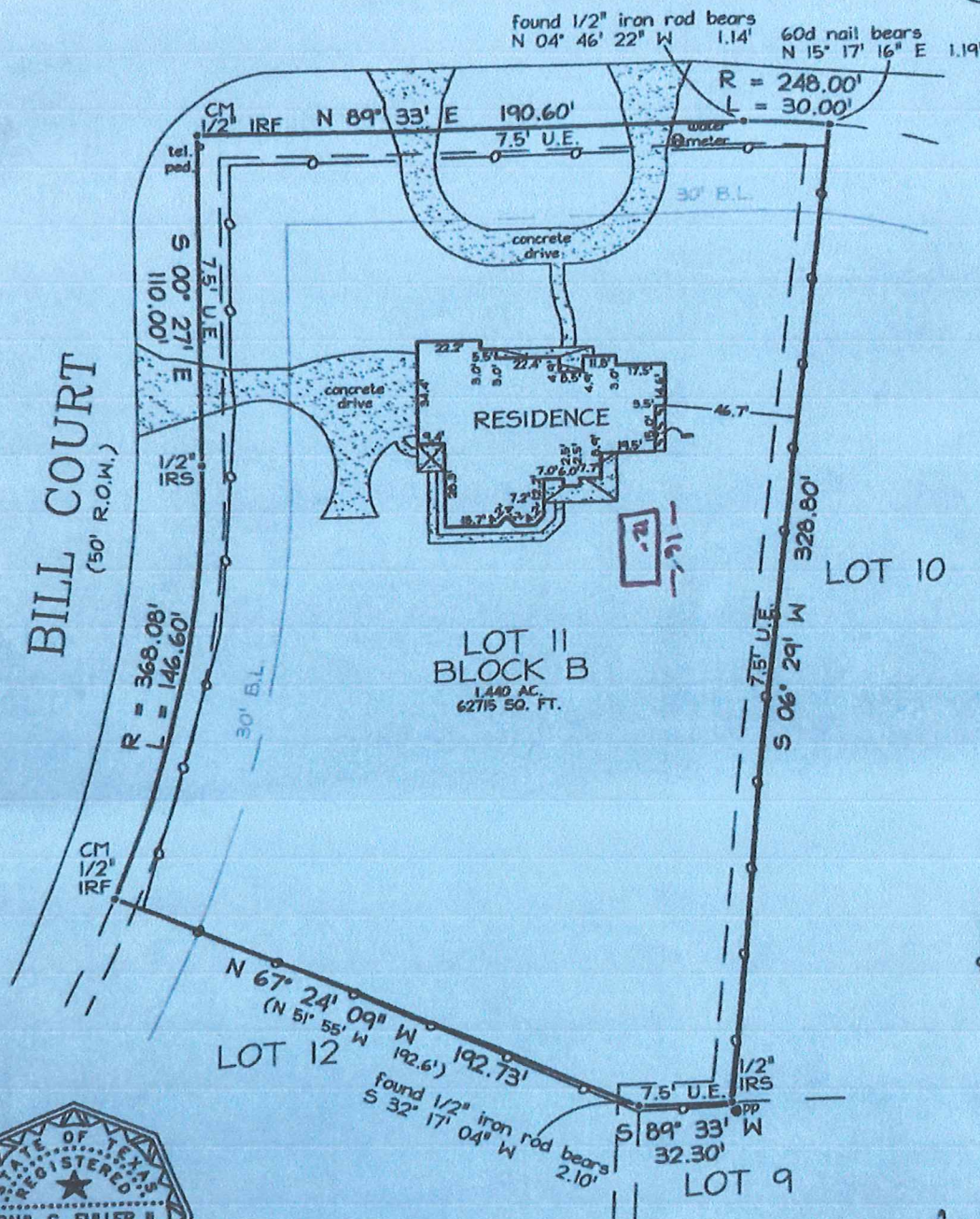
According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 48134C0075 F, dated June 3, 2013, this property does not lie within a 100-Year Flood Hazard Area.

Scale: 1" = 50'
Tech: JD
Field: DM
Job No: 1505TS15



WILLIAM DRIVE (60' R.O.W.)

BILL COURT
(50' R.O.W.)



Address: 613 WILLIAM DRIVE

G.F. No.: 14801

Date: 06/02/2015

I, Paul G. Fuller II, Registered Professional Land Surveyor No. 4843, do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of this survey, indicated hereon. There are no visible conflicts, or intrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted herein. This survey is for the exclusive use of title company, the mortgage company and the purchaser.

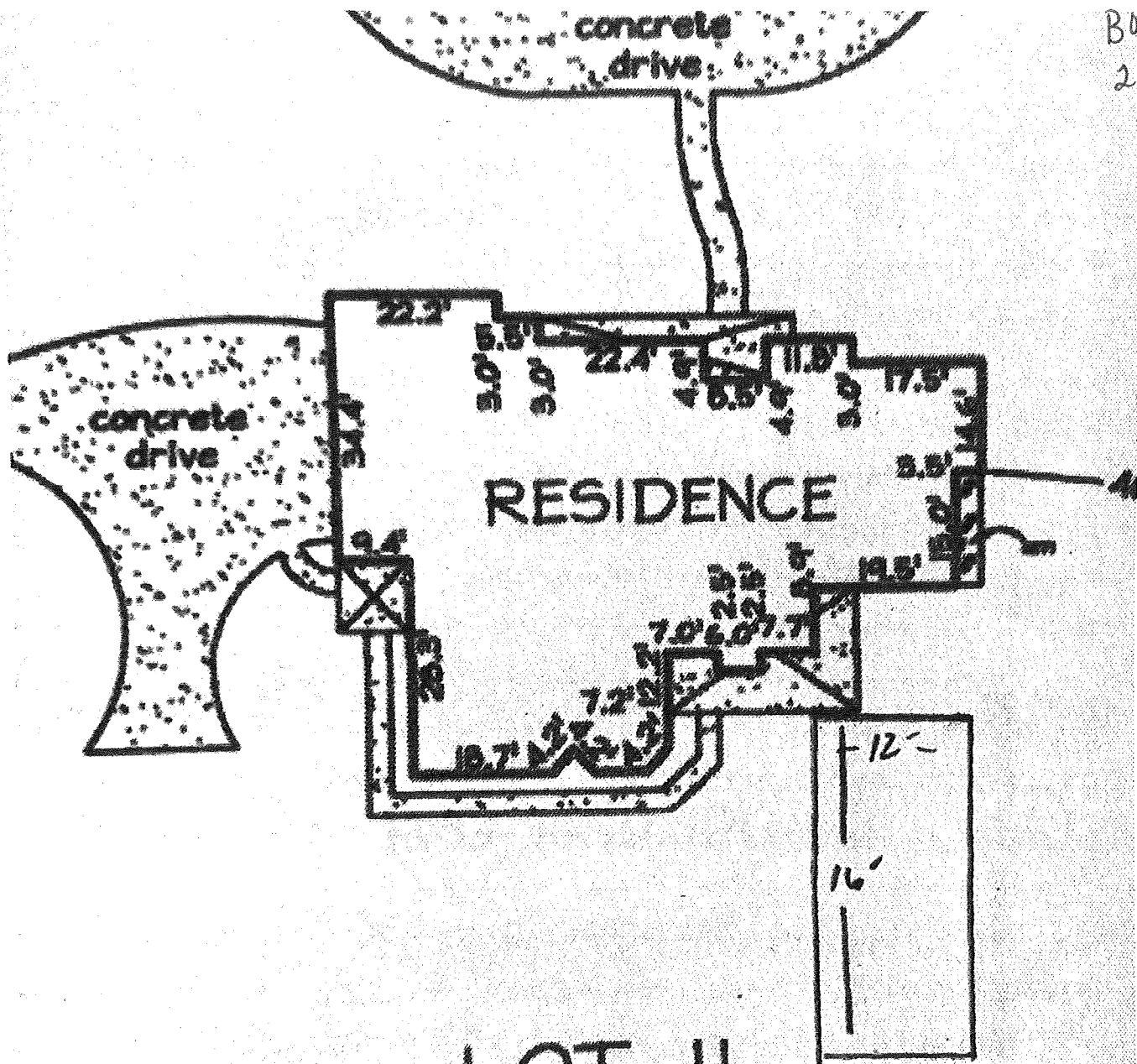
DATE:
ACCEPTED BY:

FULLER ENGINEERING
& LAND SURVEYING, INC.

LEGEND OF ABBREVIATIONS AND SYMBOLS

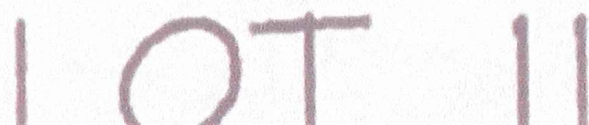
—//— = Wood Fence
—B— = Buried Cable Riser

B0A
21.04



LOT II
BLOCK B
1.440 AC.
62715 SQ. FT.

RESIDENCE





City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: MICHAEL HEIMBUCH
Address: 613 WILLIAM DR, OVILLA, TX 75154

Case Number: BOA21.04

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 Vacant			
Member Stephanie Heimbuch			
Alt. Member Stephen Miner			
Alt. Member Vacant			

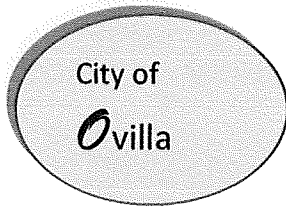
TOTALS:
— **FOR**
— **AGAINST**
— **ABSTAIN**

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

City or Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 2

DISCUSSION & ACTION

Meeting Date: May 17, 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	