

City of Ovilla

AGENDA

Board of Adjustment Special Meeting

Monday, August 23, 2021

SUPPLEMENTAL NOTICE OF SPECIAL MEETING BY TELEPHONE CONFERENCE:
In accordance with order of the Office of the Governor, the City Council of the CITY OF OVILLA will conduct the special meeting scheduled at 7:00 PM, Monday, August 23, 2021, in person and 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).

This supplemental written notice, the special meeting agenda, and the agenda packet, are posted online at www.cityofvilla.org

The public toll-free dial-in number to participate in the telephonic meeting is:
United States: 1-346-248-7799 Meeting ID: 839 3050 3760

If you would like to join the meeting with your computer, tablet, or smartphone:
<https://zoom.us/j/83930503760>

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 **Special Meeting** of the Board of Adjustment to be held via Zoom **Monday, August 23, 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

Comments, Presentations, Reports and/or Appointments

Oath of Office presented for new members of the Board of Adjustment Bert Holombek, PL5, Cody Krupala, ALT PL6, Michael Mohon, ALT PL7, and Incumbent members Carol Richtsmeier, PL1, Barbara Betik, PL3

Consent Items

Minutes of the May 17, 2021 Zoning Board of Adjustment Meeting
FY 2021 – 2022 Board of Adjustment Meetings Calendar

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

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

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

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

City of Ovilla

Bert Holombek, PL5
Cody Krupala, ALT PL6
Michael Mohon, ALT, PL7
Mike Dooly, Code Enforcement

ITEM 3. **BOA21.05 - 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 feet (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 Special Meeting** scheduled for **August 23, 2021 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on the 20th day of August 2021, prior to 6:00 p.m.

Cathy Gaeta

Cathy Gaeta
Deputy City Secretary

DATE OF POSTING:
DATE TAKEN DOWN:

08.20.21

TIME: 1:30

am/pm
am/pm



CITY OF OVILLA MINUTES
Monday, May 17, 2021
Board of Adjustment Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at **7:19 p.m.** and called roll with the following BOA members announcing their presence in person and **via teleconference**, thus constituting a quorum:

Steven Miner	PL2 Board Member
Barbara Betik	PL3 Board Member
Stephanie Heimbuch	PL4 Board Member
Richard Ware	PL5 Board Member

Five board members were present constituting a quorum. Staff present included City Manager, Pam Woodall, Deputy City Secretary, Cathy Gaeta and Code Enforcement Officer, Mike Dooly.

PL3 Betik served as Vice Chair.

The Pledge of Allegiance was led at this time.

CONSENT ITEMS

Minutes of the April 19, 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>
PL2 Miner	<u>AYE</u>
PL3 Betik	<u>AYE</u>
PL4 Heimbuch	<u>AYE</u>
PL5 Ware	<u>AYE</u>

VOTE: The motion to APPROVE carried 5-0.

PUBLIC HEARING

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.

*****It was noted at this time that PL4 Stephanie Heimbuch recused herself from the Public Hearing and Discussion due to being the applicant in this case.***

Chair Carol Richtsmeier, PL1
Steven Miner, PL2
Barbara Betik, PL3
PL7 - Alt - Vacant

Stephanie Heimbuch, PL4
Richard Ware, PL5
PL6 - Alt- Vacant

CITY OF OVILLA MINUTES
Monday, May 17, 2021
Board of Adjustment Meeting

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:24 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 there is a pergola that is placed on the east side of the house and is approximately 6' (feet) past the rear plane of the home.

(Testimony that followed was under proper oath, Applicant) The applicant Mike Heimbuch, reiterated Mr. Dooly's statements, adding that they had added a pool and needed an entertainment area – the house is not square to the lot therefore the pergola sits out of code – it is on the pool decking completely, but if it was to be moved per code restrictions there would be possible damage the plumbing to the pool in the future.

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

Lisa Haulsey – 608 William - in favor

Amanda Young – 611 William - in favor

2 letters were received by City Hall - both neighbors – both in favor

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

None

(Rebuttal or Final Comments)

None

The Public Hearing was closed at 7:32 p.m.

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

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 Michael Heimbuch on a Variance as requested on his property at 613 William Dr., Ovilla, TX 75154 in BOA 21.04.

PL2 Miner seconded the motion.

Record vote was called:

Record Vote:

PL1 Richtsmeier	<u>AYE</u>
PL2 Miner	<u>AYE</u>
PL 3 Betik	<u>AYE</u>
PL4 Heimbuch	<u>Recused</u>
PL 5 Ware	<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

Chair Carol Richtsmeier, PL1
Steven Miner, PL2
Barbara Betik, PL3
PL7 - Alt - Vacant

Stephanie Heimbuch, PL4
Richard Ware, PL5
PL6 - Alt- Vacant

CITY OF O'VILLA MINUTES
Monday, May 17, 2021
Board of Adjustment Meeting

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:37 p.m.

Chair Carol Richtsmeier

ATTEST:

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

Approved on August 23, 2021

Chair Carol Richtsmeier, PL1
Steven Miner, PL2
Barbara Bettik, PL3
PL7 - Alt - Vacant

Stephanie Heimbuch, PL4
Richard Ware, PL5
PL6 - Alt- Vacant



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: **MICHAEL HEIMBUCH**

Case Number: **BOA21.04**

Address: **613 WILLIAM DR, OVILLA, TX 75154**

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	AYE		
Member Richard Ware	AYE		
Member Barbara Betik	AYE		
Member Stephen Miner	AYE		
Member Stephanie Heimbuch			RECUSED
Alt. Member Vacant			
Alt. Member Vacant			

TOTALS:

**4 FOR
0 AGAINST
1 ABSTAIN (recused)**

The variance is hereby: ✓ granted denied

Presiding Officer of BOA

Date

City or Board Secretary

**FY2021-2022 BOARD OF ADJUSTMENT
MEETINGS CALENDAR**
**INCLUDING APPLICANT REQUEST
SUBMISSION DEADLINES**

Applicant Application Submission Deadline	BOARD OF ADJUSTMENT Meeting Dates
	Third Monday of each month (except for holidays- set to the following day, Tuesday)
September 20, 2021	October 18, 2021
October 21, 2021	November 22, 2021
November 19, 2021	December 20, 2021
December 17, 2021	January 18, 2022 (TUES)
January 21, 2022	February 22, 2022 (TUES)
February 21, 2022	March 21, 2022
March 18, 2022	April 18, 2022
April 15, 2022	May 16, 2022
May 20, 2022	June 20, 2022
June 17, 2022	July 18, 2022
July 15, 2022	August 15, 2022
August 19, 2022	September 19, 2022

**The Board of Adjustment meets the third Monday of each month in the
Ovilla City Hall Council Chamber Room, at 7:00 P.M.**

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

ITEM: 1

DISCUSSION & ACTION

Special Meeting Date: August 23, 2021

Attachments:

1. Refer to the attached pages 14A-120 and 14A-121 of the Ovilla Code of Ordinance Book.

Agenda Item / Topic:

ITEM 1. DISCUSSION/ACTION – Consider nominations and appointment of Chair to the Board of Adjustment.

Discussion / Justification:

Chapter 14, Section 45.2 & 45.4 of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice-chair. The chair and vice-chair will serve for a term of one year or until Successor is appointed.

Sample Motion(s):

"I NOMINATE _____ TO SERVE AS CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."

1. _____

2. _____

ANY OTHER NOMINATIONS?

"I MAKE THE MOTION THAT THE BOARD APPOINTS _____ AS CHAIR OF THE OVILLA ZONING BOARD OF ADJUSTMENT."

45.3 PROCEDURE**A. Meetings.**

1. The Board shall hold an organizational meeting on the third Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.
2. Meetings shall be held as needed at the call of the chairman and at such other times as the Board may determine.
3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

B. Minutes. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board, and which shall not become effective unless the Board has furnished a copy of the rules to the City Manager.

(Ordinance 2018-15 adopted 8/13/18)

C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.

D. Quorum. A quorum for the conduct of business shall consist of four members of the Board.

E. Misconduct. The members of the Board shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences or such other misconduct as the Council may specify by resolution shall constitute grounds for dismissal.

45.4 OFFICERS

A. Duties. Duties of the officers shall be as follows:

1. The chair shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
2. The vice-chair shall assist the chair in directing the affairs of the Board and act in the absence of the chair.

B. Term. Officers will serve for a term of one year or until a successor is appointed.

(Ordinance 2010.013 adopted 6/14/10)

Section 44 - Completion of Buildings Under Construction

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 45 - Zoning Board of Adjustment

45.1 ESTABLISHMENT

A. Composition. A Zoning Board of Adjustment is hereby established and shall consist of five regular members and two alternate members to be appointed by the City Council. Each member shall be appointed for a term of two years by the City Council. Alternate members shall serve in the absence of regular member(s) in keeping with rules and procedures adopted by the Zoning Board of Adjustment.

(Ordinance 2010.013 adopted 6/14/10)

B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the City Council for the unexpired term of the member affected. (Ordinance 2018-15 adopted 8/13/18)

C. Quorum. All cases to be heard by the Zoning Board of Adjustment must be heard by a minimum number of four members.

D. Cause for Removal. Cause for removal shall include missing more than two consecutive meetings or three meetings in any one twelve (12) month period or such other misconduct as the City Council may establish by resolution.

(Ordinance 2010.013 adopted 6/14/10)

45.2 TERMS OF OFFICE

A. Terms. Each member shall serve a term of office of two years. After the expiration of a two-year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the third Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the third Monday in June of each even-numbered year. (Ordinance 2018-15 adopted 8/13/18)

B. Places. The members of the Board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. (Ordinance 2010.013 adopted 6/14/10)

O villa Zoning Board of Adjustment

AGENDA ITEM REPORT

ITEM: 2

DISCUSSION & ACTION

Special Meeting Date: August 23, 2021

Attachments:

1. Refer to the attached pages 14A-120 and 14A-121 of the Ovilla Code of Ordinance Book.

Agenda Item / Topic:

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

Discussion / Justification:

Chapter 14, Section 45.2 & 45.4 of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice-chair. The chair and vice-chair will serve for a term of one year or until Successor is appointed.

Sample Motion(s):

"I NOMINATE _____ TO SERVE AS VICE CHAIR TO THE OVILLA ZONING BOARD OF ADJUSTMENT."

1. _____

2. _____

ANY OTHER NOMINATIONS?

"I MAKE THE MOTION THAT THE BOARD APPOINTS _____ AS VICE CHAIR OF THE OVILLA ZONING BOARD OF ADJUSTMENT."

Section 44 - Completion of Buildings Under Construction

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

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(Ordinance 2010.013 adopted 6/14/10)

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(Ordinance 2018-15 adopted 8/13/18)

C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.

D. Quorum. A quorum for the conduct of business shall consist of four members of the Board.

E. Misconduct. The members of the Board shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences or such other misconduct as the Council may specify by resolution shall constitute grounds for dismissal.

45.4 OFFICERS**A. Duties. Duties of the officers shall be as follows:**

1. The chair shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
2. The vice-chair shall assist the chair in directing the affairs of the Board and act in the absence of the chair.

B. Term. Officers will serve for a term of one year or until a successor is appointed.

(Ordinance 2010.013 adopted 6/14/10)

Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

ITEM: 3

DISCUSSION & ACTION

Special Meeting Date: August 23, 2021

Attachments:

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

Agenda Item / Topic:

ITEM 3. **BOA21.05 – *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 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:

Applicant/owner of said property, requests to place her accessory building closer than five (5') to the lot line on her property.

Discussion: The Ovilla Code of Ordinances, Chapter 14, Section 30.3, ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS, 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.

Sample Motion(s):

City of
Ovilla

**"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 BOA21.05."**

City of Ovilla

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

105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	192			Valuation:	5,000 (See Attached)	
Zoning:				Valuation w/land:		
Project Address:	400 Montpelier, Ovilla TX					
Lot:	17	C	Subdivision:	Ovilla Parc		
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:	15x10 Cedar cabana					
Description of Work:	15x10 Cedar cabana with Shingle to match current home					
Area Square Feet:						
Living:	Garage:		Covered	Porch:	Total:	Number of stories:

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

General Contractor	Bright Pools LLC	Contact Person	Phone Number	Contractor License Number
		Justin Bright	214-762-5388	
Mechanical Contractor	N/A	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	N/A	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	N/A	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: 7/13/2021

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:		

Chelsea Ellis

From: Bright Pools <brightpoolsllc@gmail.com>
Sent: Tuesday, July 13, 2021 12:39 PM
To: Chelsea Ellis
Subject: Re: 400 Montpelier

Yes ma'am

On Tue, Jul 13, 2021 at 12:38 PM Chelsea Ellis <Cellis@cityofovilla.org> wrote:

Is the valuation/cost of this revision the same \$5000.00 as the previously requested permit.

Thanks,

Chelsea

From: Bright Pools LLC <brightpoolsllc@gmail.com>
Sent: Tuesday, July 13, 2021 11:52 AM
To: Chelsea Ellis <Cellis@cityofovilla.org>
Subject: 400 Montpelier

See attached application for the Revised cabana at 400 Montpelier, Ovilla TX

Thanks!

Justin Bright

Bright Pools LLC

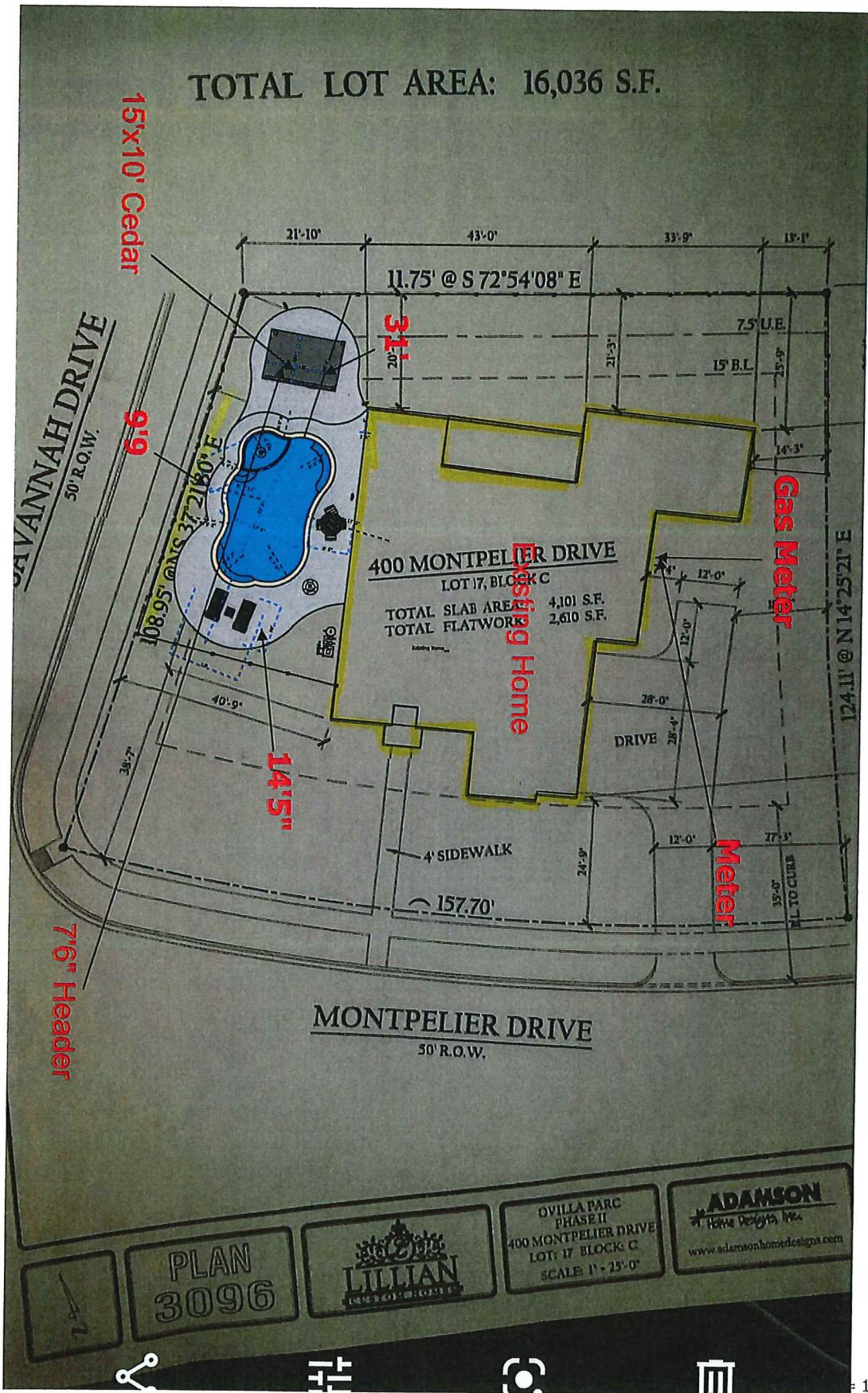
(214) 762-5388

--
Thanks,

Justin Bright

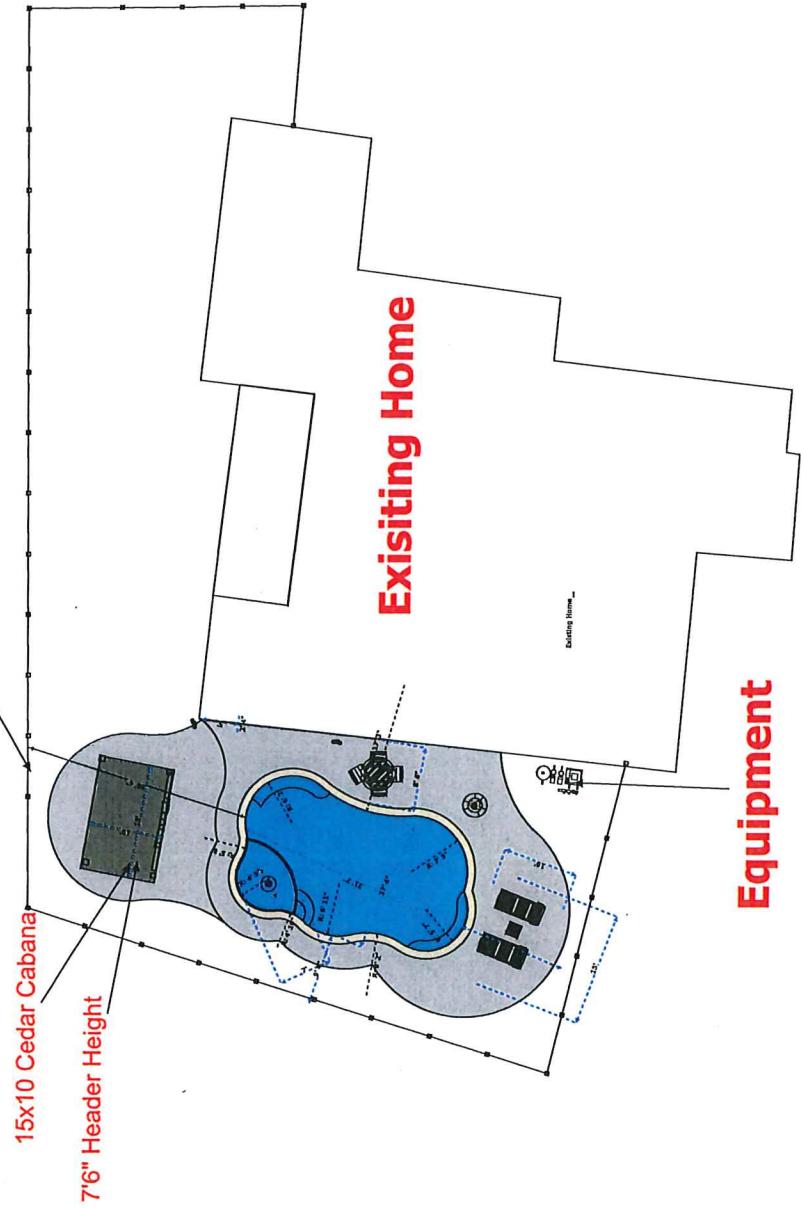
Bright Pools
214-762-5388
Brightpoolsllc@gmail.com

TOTAL LOT AREA: 16,036 S.F.



BOA 21.05

Existing Fence



Equipment

BOA 21.05

BRIGHT
POOLS, LLC



Residential Building Permit Application

City of Ovilla

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

*see attached
\$5,000*

Building Permit #	2021-0192	Valuation:	\$500.00
Zoning:		Valuation w/	\$0.00
Project Address:	400 MONTPELIER	Land:	
Lot:	Block:	Subdivision:	
Project Description:			
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:	15X10 CEDAR CABANA WITH SHINGLE TO MATCH CURRENT HOME		
Area Square Feet:			
Living:	Garage:	Covered Porch:	
Total: 0.00			
# of Stories:			

Homeowner Details

Name: MAJUSTA ALLEN
Address: 400 MONTPELIER, OVILLE, TX 75154
Phone # (214) 418-4156 Email:

Applicant Details

Applicant Type: Agent
Name: JUSTIN BRIGHT
Address:
Phone # (214) 762-5388 Email: brightpoolsllc@gmail.com

BOA 21.05

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 #****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:** \$40.00**Building Permit Fee:** \$40.00**Issued Date:** *ce***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. 2021-0192

Location: 400 MONTPELIER

Description: 15X10 CEDAR CABANA WITH SHINGLE TO MATCH CURRENT HOME

Owner: MAJUSTA ALLEN

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site



Accessory Building Permit Checklist

DATE 7-15-21

OWNER Allen

ADDRESS 400 Montpelier

1. Permit Signed by property owner Yes No
2. Use of building cabana
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
 - 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 25
14. Total square footage 150 Total square footage allowed 500
15. Variance required Yes No

Approved Denied Reason

DATE 7-15-21

NAME Mitch Doty

*BOA
21.05*

Majusta Allen

400 Montpelier

Ovilla Texas

Permit # 2021-0192

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.



INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ZONING VARIANCE TO THE OVILLA BOARD OF ADJUSTMENT

Definition of Variance from the Ovilla Code of Ordinances adopted by Ordinance 2010.023

A variance is a relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.

Variance. To authorized upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that is cannot be appropriately developed without such modifications.

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. That the special conditions and circumstances do not result from the action of the applicant;
4. The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Case No. BOA 21-05

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 property preventing any structure (pool, cabana, etc...)
we have now found it may not be needed as no utilities are there
we propose to place the cabana on the back corner of the yard 1/2 ton to get higher
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.

near plane of home

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

The back yard has a 7.5' easement on the back
so the pool is on the side yard. we are requesting to put it
on the back left corner of the lot and try to get it behind
the rear plane of home

Condition 4: The board shall further make a finding that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

Yes

Condition 5: The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.



Yes, the cabin is built out of pressure treated red wood cedar and stained to accent the home, we also 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. _____

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 montpelier, Ovilla, TX

Block No. 1

Zoning Ovilla Park PH II

The Applicant, Majuste Allen, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article , Chapter 14, Section 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 cabin (15'x10') Accessory structure, it is beside main dwelling as back yard will not fit or accommodate due to easement

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? 2/20/21



• Case No. BOA 21.05

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

619 Rustic Trail
Midlothian, TX 76065

I authorize Justin Bright of Bright Pools
(Applicant's agent) (Address)

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

Respectfully submitted:

Applicant's Name

Majesta D. Allen

Mailing Address

400 Montpelier Lane

Ovilla, TX 75154

Telephone (Hm)

214-418-4150

Telephone (Wk)

Majak.1122@gmail.com

Email

Applicant's signature

M. Allen

Date

5-29-2021

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: 5/20/2021

• Case No. BOA 21.05

OFFICE USE ONLY

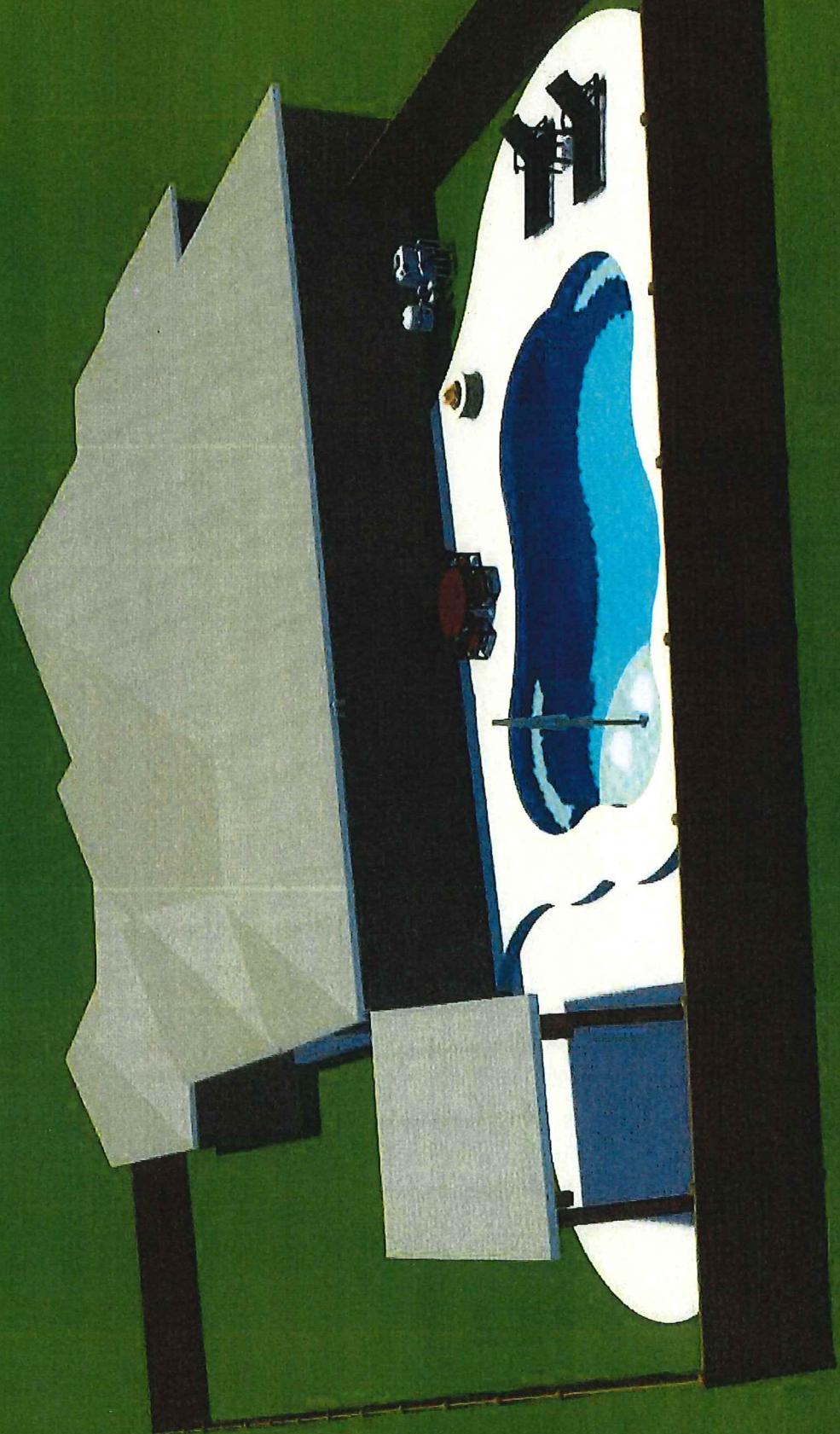
DATE RECEIVED: _____ HEARING DATE: _____

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____



Bright Pool





Bright Poo



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: MAJUSTA ALLEN
Address: 400 MONTPELIER

Case Number: BOA21.05

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 Steven Miner			
Member Barbara Betik			
Member Stephanie Heimbuch			
Member Bert Holombek			
Alt. Member Cody Krupala			
Alt. Member Michael Mohon			

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

DISCUSSION & ACTION

Special Meeting Date: August 23, 2021

Attachments:

None

Agenda Item / Topic:

ITEM 4. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Discussion / Justification:

N/A

Sample Motion(s):

N/A