

AGENDA
Board of Adjustment Regular Meeting
Monday, October 18, 2021

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 Monday, **October 18, 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 will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Board of Adjustment may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda. Private Consultation with Attorney – Section 551.071

Call to Order

♦ Pledge of Allegiance

Consent Items

Minutes of the August 23, 2021 Zoning Board of Adjustment Meeting
FY 2021 – 2022 Board of Adjustment Meetings Calendar *Update*

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. **BOA21.06 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.1 ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS: GENERALLY filed by Bert Holombek for a residential variance on placement of an accessory building on a lot before the main dwelling exists on their property at 714 Buckboard, Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Bert Holombek.

ITEM 2. **BOA21.07 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS: PLACEMENT – Front Setback filed by Bert Holombek for a residential variance on placement of an accessory building that must be located completely behind the rear plane of the main dwelling on their property at 714 Buckboard, Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Bert Holombek.

ITEM 3. **BOA21.08 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3B ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS: PLACEMENT – Angles filed by Bert Holombek for a residential variance on placement of an accessory building with the main opening or door not facing at a 90° angle or 180° angle on their property at 714 Buckboard, Ovilla, TX 75154.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Bert Holombek.

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

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

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Regular Meeting** scheduled for **October 18, 2021 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on the 15th day of October 2021, prior to 6:00 p.m.


G Miller
Interim City Secretary

DATE OF POSTING:
DATE TAKEN DOWN:

10.15.21

TIME: 3:30 am/pm
TIME: am/pm



PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA OCULTA.

PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCIÓN 30.07 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA VISIBLE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA VISIBLE.

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

CITY OF OVILLA MINUTES
Monday, August 23, 2021
Special Board of Adjustment Meeting

Chair Carol Richtsmeier called a Regular Meeting of the Ovilla Board of Adjustment to order at **7:01 p.m.** and called roll with the following BOA members announcing their presence in person and **Zoom/via teleconference**, thus constituting a quorum:

Steven Miner
Barbara Betik
Cody Krupala
Michael Mohon

PL2 Board Member
PL3 Board Member
PL6 Board Member
PL7 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. PL4 Heimbuch and PL 5 Holombek were noted absent. PL3 Betik served as Vice Chair.

The Pledge of Allegiance was led at this time.
It was announced that PL3 Betik would serve as Vice Chair.

CONSENT ITEMS

Minutes of the May 17, 2021 Zoning Board of Adjustment Meeting

PL3 Betik moved that the BOA APPROVE the Minutes of the May 17, 2021 meeting as presented.
PL2 Miner seconded.

Record vote was called:

Record Vote:

PL1 Richtsmeier	<u>AYE</u>
PL2 Miner	<u>AYE</u>
PL3 Betik	<u>AYE</u>
PL6 Krupala	<u>AYE</u>
PL7 Ware	<u>AYE</u>

VOTE: The motion to APPROVE carried 5-0.
PL4 Heimbuch and PL5 Holombek were noted absent.

FY Calendar of Meetings for the Board of Adjustment

PL3 Betik moved that the BOA APPROVE the FY Calendar of Meetings as presented.
PL2 Miner seconded.

Record vote was called:

Record Vote:

PL1 Richtsmeier	<u>AYE</u>
PL2 Miner	<u>AYE</u>

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, August 23, 2021
Special Board of Adjustment Meeting

PL3 Betik	<u>AYE</u>
PL6 Krupala	<u>AYE</u>
PL7 Ware	<u>AYE</u>

VOTE: The motion to APPROVE carried 5-0.
PL4 Heimbuch and PL5 Holombek were noted absent.

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

Nominations:

PL2 Miner (who wanted to have more experience and knowledge of the BOA before attempting to Chair meetings, and respectfully declined.)

PL1 Richtsmeier.

PL3 Betik made the motion to appoint Carol Richtsmeier as Chair to the Zoning Board of Adjustment.

PL2 Miner seconded.

Record vote was called:

Record Vote:

PL1 Richtsmeier	<u>AYE</u>
PL2 Miner	<u>AYE</u>
PL3 Betik	<u>AYE</u>
PL6 Krupala	<u>AYE</u>
PL7 Ware	<u>AYE</u>

VOTE: The motion to APPROVE carried 5-0.
PL4 Heimbuch and PL5 Holombek were noted absent.

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

Nominations:

PL2 Miner

Chair Richtsmeier made the motion to appoint Steven Miner as Vice - Chair to the Zoning Board Of Adjustment.

PL7 Mohon seconded.

Record vote was called:

Record Vote:

*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, August 23, 2021
Special Board of Adjustment Meeting

PL1 Richtsmeier	<u>AYE</u>
PL2 Miner	<u>AYE</u>
PL3 Betik	<u>AYE</u>
PL6 Krupala	<u>AYE</u>
PL7 Ware	<u>AYE</u>

VOTE: The motion to APPROVE carried 5-0.
PL4 Heimbuch and PL5 Holombek were noted absent.

PUBLIC HEARING

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.

Chair Richtsmeier read aloud the captioned request and opened the Public Hearing at 7:13 p.m. (Testimony that followed was under proper oath, City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation of the applicant's request. He explained that due to the Ovilla Code update, the easement change has to be considered, and it places the accessory building in the easement by 10-15' short.

(Testimony that followed was under proper oath, Applicant) the applicant's contractor was in attendance, Justin Bright - and reiterated Mr. Dooly's statement.

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

Madelyn Gill 510 Savannah – in support

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

None

(Rebuttal or Final Comments)

None

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

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

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 Majusta Allen on a Variance as requested on his property at 400 Montpelier, Ovilla, as presented.

PL7 Mohon seconded the motion.

Record vote was called:

Record Vote:

PL1 Richtsmeier	<u>AYE</u>
PL2 Miner	<u>AYE</u>
PL3 Betik	<u>AYE</u>

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, August 23, 2021
Special Board of Adjustment Meeting

PL6 Krupala AYE
PL7 Ware AYE

VOTE: The motion to APPROVE carried 5-0.
PL4 Heimbuch and PL5 Holombek were noted absent.

ITEM 4 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 7:28 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 Betik, PL3
PL7 - Alt - Vacant*

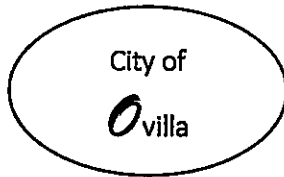
*Stephanie Heimbuch, PL4
Richard Ware, PL5
PL6 - Alt - Vacant*

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 21, 2022 (TUES) *
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

Regular Meeting Date: October 18, 2021

Attachments:

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

Agenda Item / Topic:

ITEM 1. **BOA21.06 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.1 ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS; GENERALLY filed by Bert Holombek for a residential variance on placement of an accessory building on a lot before the main dwelling exists on their property at 714 Buckboard, Ovilla, TX 75154.

Discussion / Justification:

APPLICANT: Bert Holombek
LOCATION: 714 Buckboard
ZONING: RE Residential (1 Ac.)

Applicant's Proposal:

Applicant/owner of said property, requests to place an accessory building on lot with no main dwelling.

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

Generally. No residential accessory building shall be permitted until a dwelling exists on the lot.

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 Waxahachie Daily Light and 16 certified letters mailed.

Sample Motion(s):

City of

*O*villa

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO BURT HOLOMBEK TO CONSTRUCT AN ACCESSORY BUILDING BEFORE THE MAIN DWELLING EXISTS ON HIS PROPERTY AT 714 BUCKBOARD AS PRESENTED IN BOA21.06."

Residential Building Permit Application

Building Permit Number:

212

Valuation:

N/A 31,000

zoning:

Valuation w/land:

N/A

Project Address:

714 Buckboard Trail, Ovilla, TX

Lot:

W/2 of 8 & 10-11

Subdivision:

BLK E Westmoreland Rd Estds 629229111

Project Description:

NEW SFR ☐SFR REMODEL/ADDITION ☐

SPECIFY OTHER:

PLUMBING/ELECTRICAL ☐FLATWORK ☐SPRINKLER ☐SWIMMING POOL ☐ACCESSORY BUILDING ☒FENCE ☐

Proposed Use:

Work shop

Description of Work:

Metal workshop over concrete pad (24x36 x12 Bldg)

Area Square Feet:

Living:

Garage:

Covered

Porch:

Total:

Number of stories:

1

Homeowner's name:

Burghard Holombek & Elizabeth A. Jones

Address:

714 Buckboard, Ovilla TX 75056

Phone Number:

469 865 0889

Home Number:

N/A

Mobile Number:

General Contractor

Home Owner

Contact Person

BERT HOLOMBK

Phone Number

469-865-0889

Contractor License Number

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:

BERT HOLOMBK

Date:

Aug 4, 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: 180 Days

Capital Recovery Fee:

Issued By:

Fire Meter:

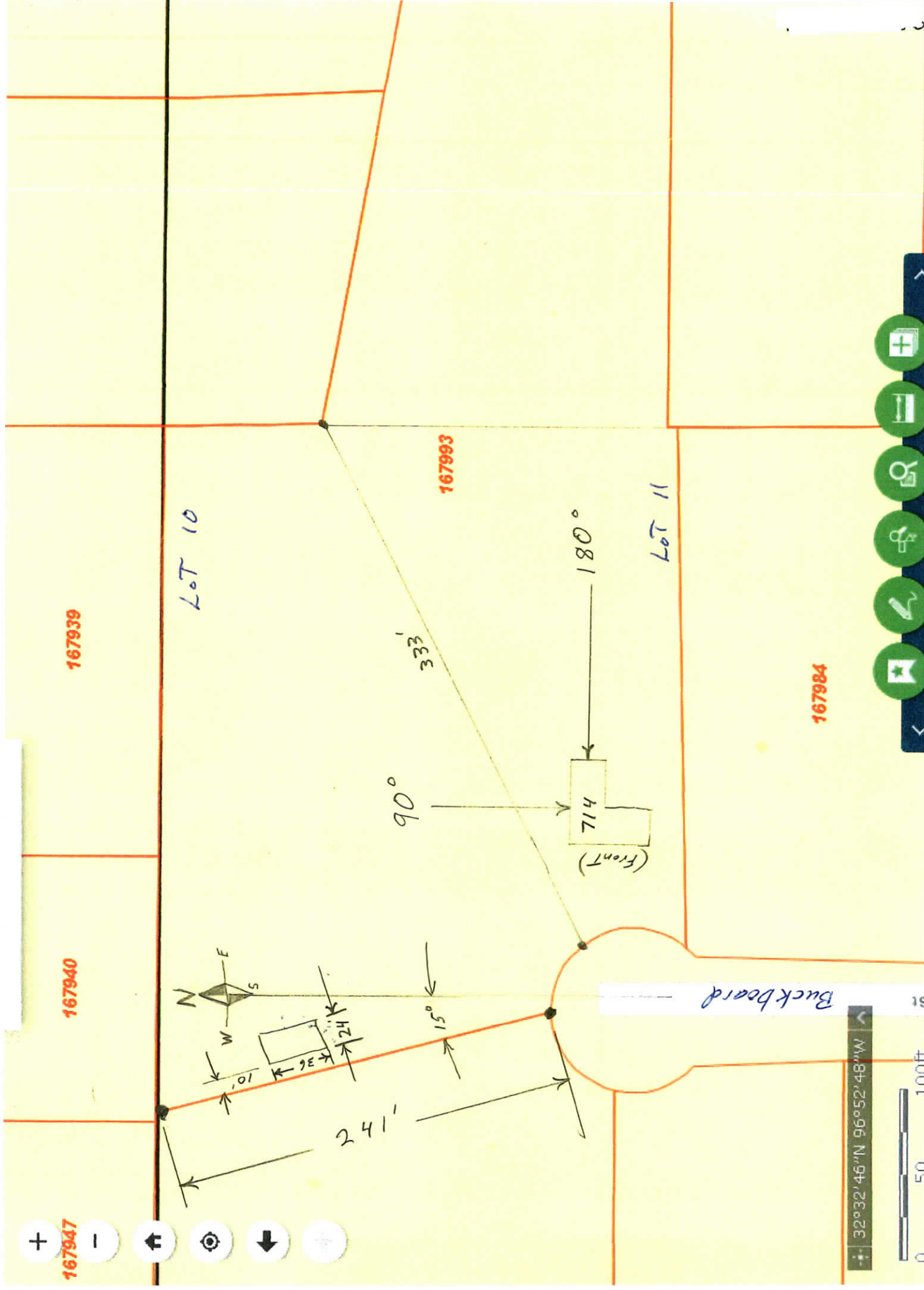
Water Meter Cost:

Water Impact:

Sewer Connection Fee:

BV Project #

Sewer Impact:



"Attachment A"



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 #	2021-0212	Valuation:	\$31,000.00
Zoning:		Valuation w/	\$0.00
		Land:	

Project Address:	714 BUCKBOARD ST	
Lot: 8	Block: E	Subdivision:

Project Description:

New SFR	No	Flatwork	Yes
Plumbing/Electrical	No	Accessory Building	Yes
Swimming Pool	No	Sprinkler	No
SFR Remodel/Addition	No	Fence	No
Roof	No	Mechanical	No
Other	No	Specify Other:	

Proposed Use:	WORK SHOP
Description of Work:	24X36X12 METAL WORKSHOP OVER CONCRETE PAD

Area Square Feet:

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

Homeowner Details

Name: BERT HOLOMBEK
Address: 714 BUCKBOARD ST, OVILLA, TX 75154
Phone # (469) 865-0889 **Email:**

Applicant Details

Applicant Type: Owner
Name:
Address: ,
Phone # **Email:**

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: \$0.00

Building Permit Fee: \$0.00

Issued Date:

Park Impact Fee: \$0.00

Expiry Date:

Capital Recovery Fee: \$0.00

Issued By:

Fire Meter: \$0.00

BV Project #

Water Meter Cost: \$0.00

Water Impact: \$0.00

Sewer Connection Fee: \$0.00

Sewer Impact: \$0.00



Building Permit

City of Ovilla

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

Permit No. 2021-0212

Location: 714 BUCKBOARD ST

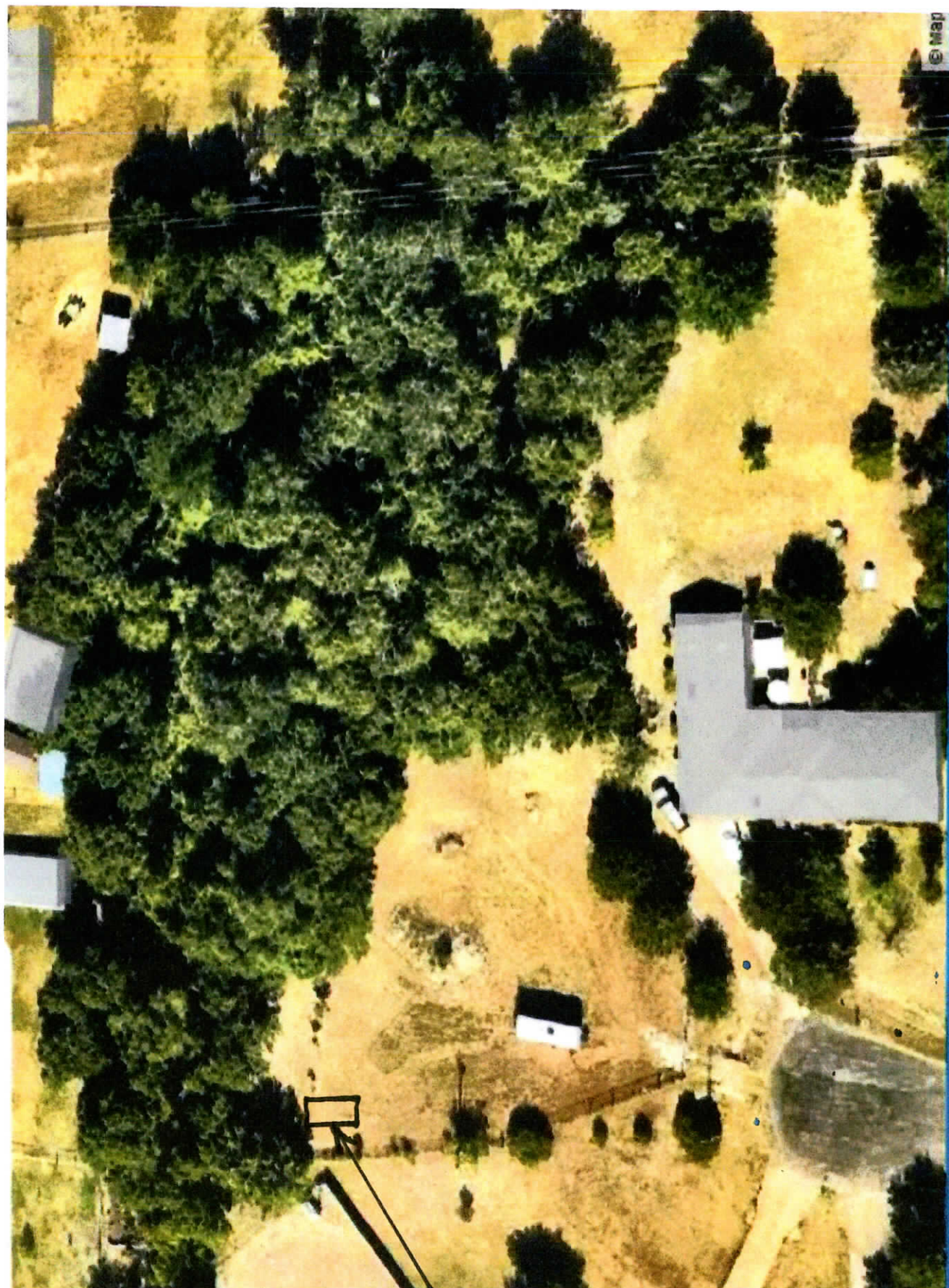
Description: 24X36X12 METAL WORKSHOP OVER CONCRETE PAD

Owner: BERT HOLOMBEK

Date Issued:

Building Inspector: _____

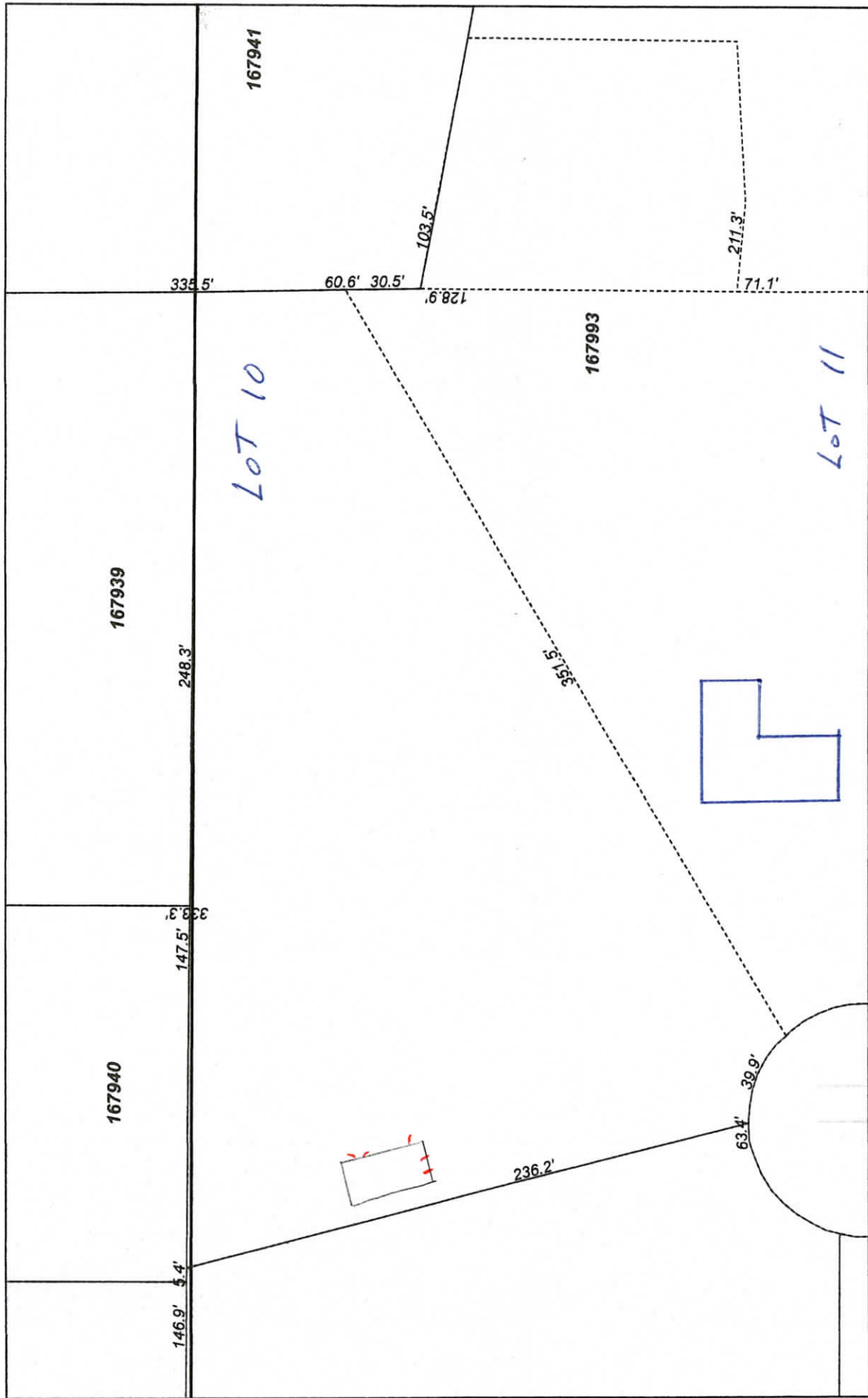
This Permit To Be Posted In Conspicuous Place On Site



Accessory Bldg

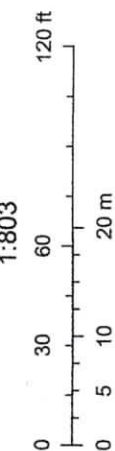
Holombeck

Ellis CAD Web Map



714 Buckboard

1:803



6/29/2021, 6:10:10 PM

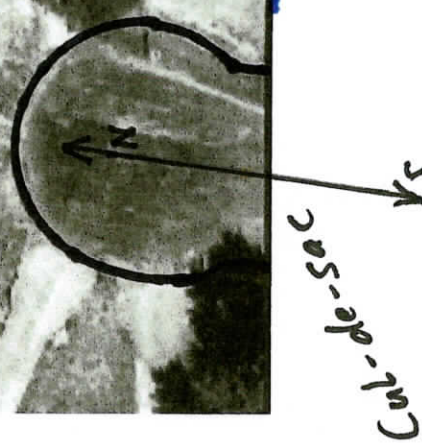
☐ Abstracts ☐ Parcels ☒ Lot Lines

Esri Community Maps Contributors, Baylor University, Texas Parks &

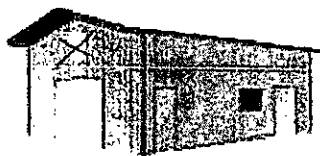
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



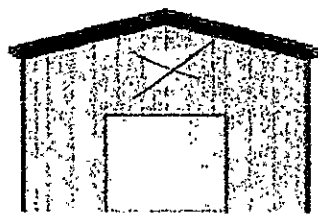
Low pressure mound system



3/12 pitch



Perspective View



10 x 8

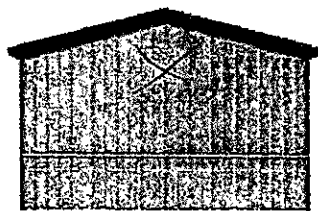
Left



Back



Front



Right

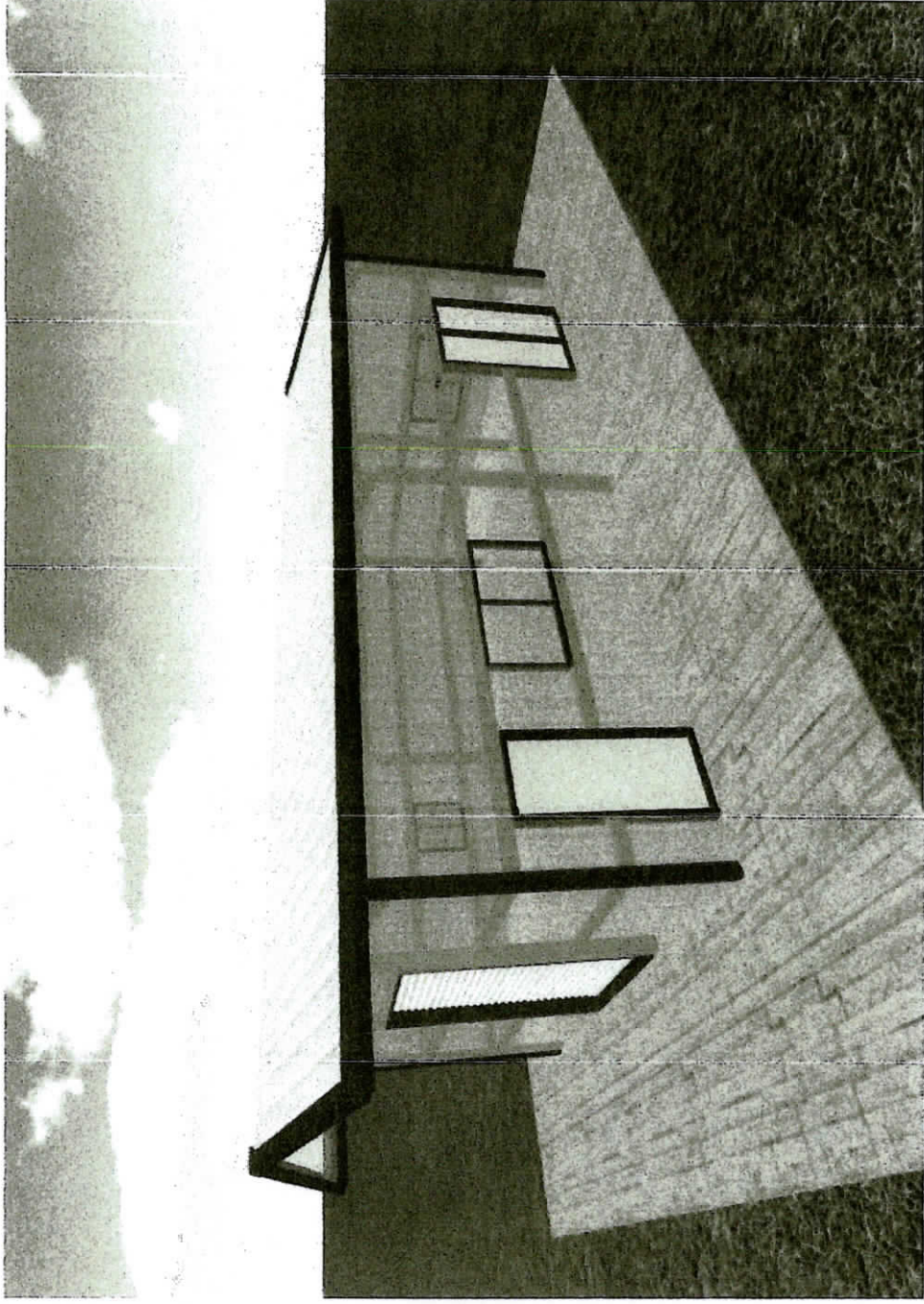
#16244759037119

Holombek, Bert

24 x 36 Transparent View

Mueller

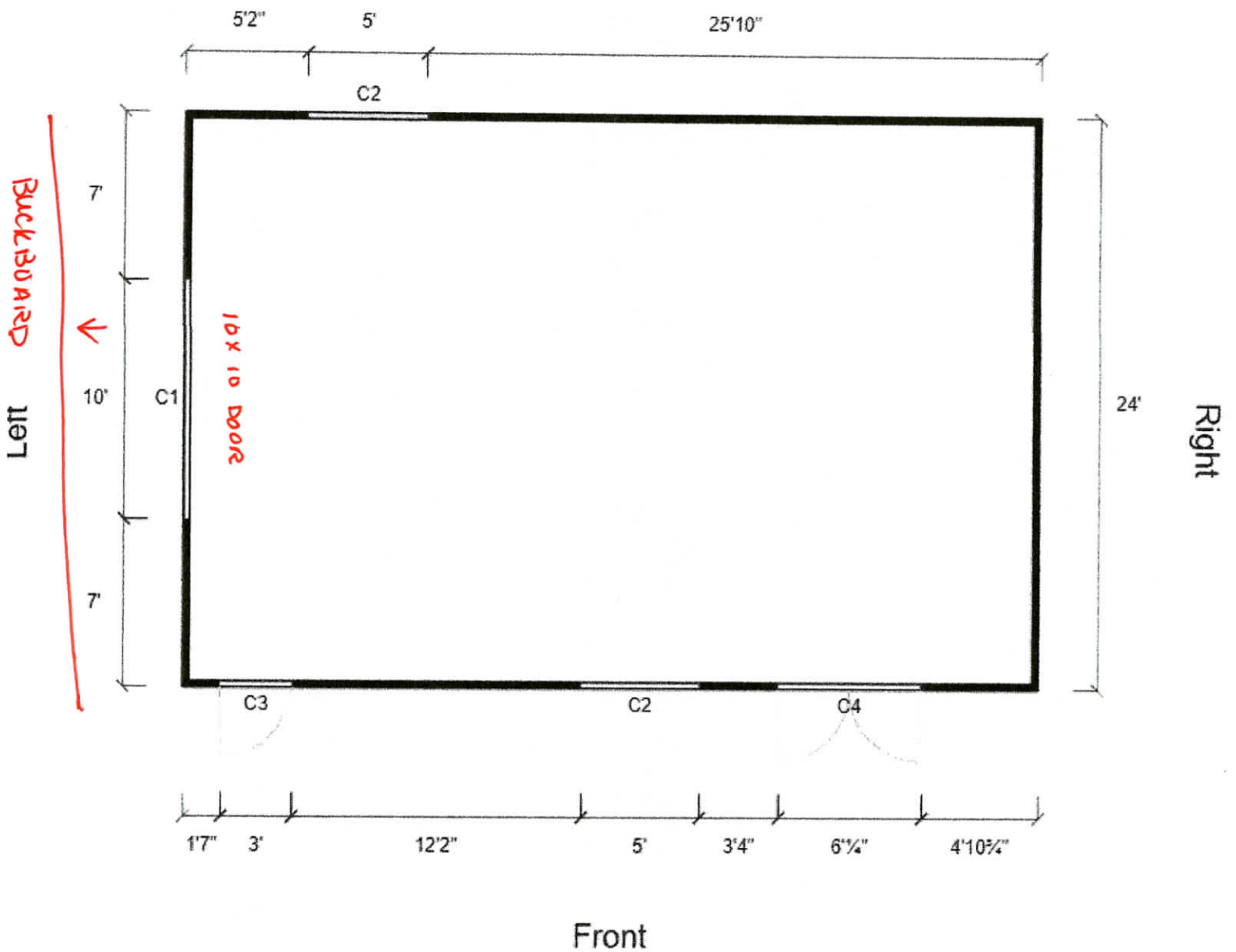
12' height To eaves



garage
Door

7/5/2021

Back



Symbol Legend:

- C1: 10' x 8' Rollup Door
- C2: 60" x 30" Slider Window
- C3: 3' x 7' Walk-in Door
- C4: 6' x 7' Double Walk-in Door

T WESTMORELAND ROAD ESTATES

15 A

16 B

16 A

17 A

BLOCK "A"

9° 28' 30" E ~ 686.00'

387.64'

66.25'

1.466
ACRES

N 13° 36' 36" W
241.25'

556.16' 56" W
334.23' 43" E
1.024
ACRES

253.31'

60.99'

55.37'

99.75' 6"

WEST
291.55'

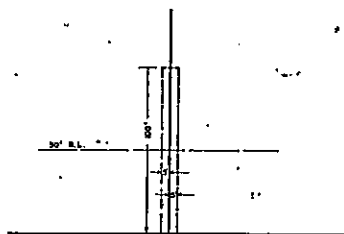
75.79'

60'

Lot 10

EXHIBIT 'A'

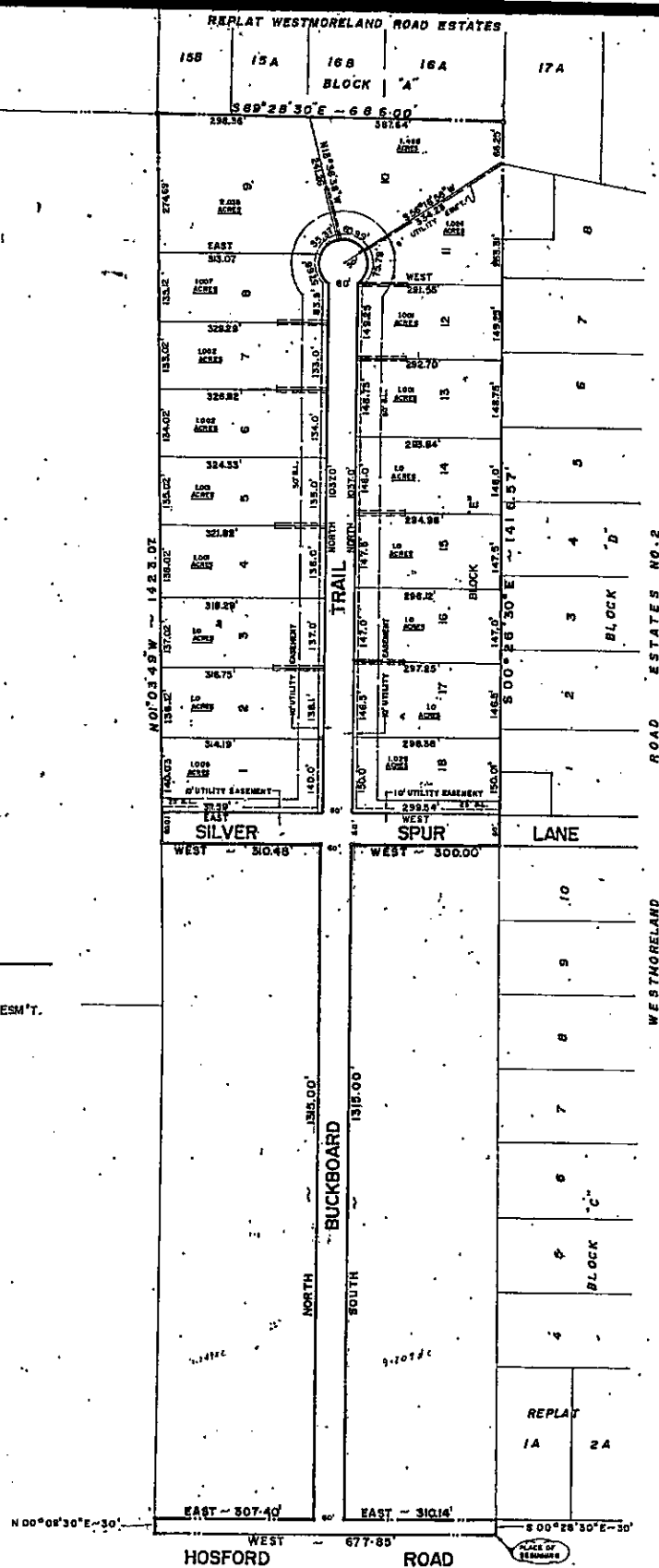
LOT 10, BLOCK E, OF WESTMORELAND ROAD ESTATES, NO. 3, AN ADDITION TO THE CITY OF OVILLA, ELLIS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN CABINET A, SLIDE 733, OF THE MAP RECORDS OF ELLIS COUNTY, TEXAS. BEING A TRACT OF LAND SITUATED IN THE JOHN CHAPMAN SURVEY, ABSTRACT NO. 210, CITY OF OVILLA, ELLIS COUNTY, TEXAS, AND BEING ALL OF LOT 11, BLOCK E OF WESTMORELAND ROAD ESTATES NO. 3, AN ADDITION TO THE CITY OF OVILLA, ELLIS COUNTY, TEXAS, AS RECORDED IN CABINET A, SLIDE 733 OF THE MAP RECORDS OF ELLIS COUNTY, TEXAS, AND ALSO BEING A PART OF LOT 8, BLOCK D, OF WESTMORELAND ROAD ESTATES NO. 2, AN ADDITION TO THE CITY OF OVILLA, ELLIS COUNTY, TEXAS, AS RECORDED IN CABINET A, SLIDE 574 OF THE MAP RECORDS OF ELLIS COUNTY, TEXAS, AND ALSO BEING ALL OF A TRACT CONVEYED TO ANDREW P. PIETRZAK, BY DEED, RECORDED IN VOLUME 1068, PAGE 659 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT 1/2 INCH IRON ROD FOUND FOR CORNER IN THE EAST LINE OF BUCKBOARD TRAIL (60, R.O.W.), AND BEING THE COMMON CORNER OF THE SOUTHWEST CORNER OF SAID LOT 11, AND THE NORTHWEST CORNER OF LOT 12, BLOCK E OF SAID WESTMORELAND ROAD ESTATES, NO. 3, AND ALSO BEING THE BEGINNING OF A CIRCULAR CURVE TO THE LEFT; THENCE ALONG SAID CIRCULAR CURVE TO THE LEFT AND SAID EAST LINE OF BUCKBOARD TRAIL, HAVING A CENTRAL ANGLE OF 86 DEG. 52 MIN. 09 SEC., A RADIUS OF 50.00 FT., A TANGENT DISTANCE OF 47.34 FT., AN ARC LENGTH OF 75.81 FT., AND A CHORD BEARING OF NORTH 9 DEG. 42 MIN. 21 SEC. EAST TO A 1/2 INCH IRON ROD FOUND FOR CORNER, AND BEING THE COMMON CORNER OF THE NORTHWEST CORNER OF SAID LOT 11 AND THE SOUTHEAST CORNER OF LOT 10, BLOCK E OF SAID WESTMORELAND ROAD ESTATE NO. 3; THENCE NORTH 56 DEG. 16 MIN. 56 SEC. EAST, LEAVING SAID EAST LINE OF BUCKBOARD TRAIL, A DISTANCE OF 334.23 FT. ALONG THE COMMON LINE OF LOTS 10 AND 11 TO A 1/2 INCH IRON ROD FOUND FOR CORNER AND BEING THE COMMON CORNER OF SAID LOTS 10 AND 11; THENCE SOUTH 0 DEG. 26 MIN. 30 SEC. EAST, ALONG THE EAST LINE OF SAID LOT 11, A DISTANCE OF 22.79 FT. TO A 1/2 INCH IRON ROD FOUND FOR CORNER AND BEING THE NORTHWEST CORNER OF A TRACT CONVEYED TO ANDREW P. PIETRZAK, BY DEED, RECORDED IN VOLUME 1068, PAGE 659 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS; THENCE SOUTH 79 DEG. 23 MIN. 30 SEC. EAST, ALONG THE NORTH LINE OF SAID PIETRZAK AND LOT 8, A DISTANCE OF 282.43 FT. TO A 1/2 INCH IRON ROD FOUND FOR CORNER; THENCE NORTH 77 DEG. 36 MIN. 30 SEC. EAST, CONTINUING ALONG SAID NORTH LINE OF LOT 8, A DISTANCE OF 62.46 FT. TO A POINT FOR CORNER; THENCE SOUTH, LEAVING SAID NORTH LINE, A DISTANCE OF 178.93 FT. TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN THE COMMON SOUTH LINE OF SAID LOT 8 AND THE NORTH LINE OF LOT 7, BLOCK D OF SAID WESTMORELAND ROAD ESTATES NO. 2; THENCE WEST, ALONG SAID COMMON LINE A DISTANCE OF 336.93 FT. TO A 1/2 INCH IRON ROD FOUND FOR CORNER ON THE EAST LINE OF SAID LOT 11, SAME BEING THE COMMON CORNER OF SAID LOTS 7 AND 8; THENCE SOUTH 0 DEG. 26 MIN. 30 SEC. EAST, ALONG THE SAID EAST LINE OF SAID LOT 11, A DISTANCE OF 12.99 FT. TO A 3/4 INCH IRON ROD FOUND FOR THE COMMON CORNER OF LOT 11 AND 12; THENCE WEST ALONG SAID COMMON LINE, A DISTANCE OF 291.55 FT. TO THE POINT OF BEGINNING AND CONTAINING 2.4820 ACRES (108,114 SQ. FT.) OF LAND, MORE OR LESS. RECORDED IN ELLIS COUNTY, TEXAS. TAX ID: 167993.



TYR POWER & TELEPHONE SERVICE ESM'T.

CURVE		DATA	
CURVE	Δ	R	L
1	288°15'34"	80.0'	2430'

1969 JUN 27 AM 11:21
FAYE M. WASHINGTON
BILLIS COUNTY CLERK
WAXAHACHIE, TEXAS



JOHN CHAPMAN SURVEY ~ ABSTRACT NO.210

OVILLA, TEXAS

ELLIS COUNTY, TEXAS

GEORGE M. OBLEY ~ OWNER

SHIELDS LEE 1421 FERDALE AVE DALLAS, TEXAS 75224 SURVEYORS

SHEET 1 OF 1



Accessory Building Permit Checklist

DATE 8-5-21

OWNER Holombeck

ADDRESS 714 Buck board

1. Permit Signed by property owner ☒ Yes ☐ No
2. Use of building WORK SHOP
3. Plot plan with survey stamp ☐ Yes ☐ No
4. Building Material ☐ Brick ☐ Stone ☐ Hardiplank ☐ Wood ☒ Other metal
5. Roof Material metal
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 _____
13. Size of property _____
14. Total square footage 864 Total square footage allowed _____
15. Variance required ☐ Yes ☐ No

Approved

☒ Denied

☐ Reason

DATE

9-9-21

NAME

Mike Dwyer

separate lot

30.1 Generally
NO Residential accessory
building shall be
permitted until a dwelling
unit exists on property.
Front Facing Buildings

Bert Holombek

714 Buckboard

Ovilla Texas

Permit # 2021-0212

Accessory Building Request - Denied

Variance Requirements

1 -Chapter 14

30.3 PLACEMENT

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

Main door (Largest)

2 30.1 GENERALLY

No residential accessory building shall be permitted until a dwelling unit exists on the lot.

Absence of
main dwelling



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 Accessory Bldg will be on Lot 10. The main house is located on Lot 11, the adjacent Lot.

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.

Both Lots are contiguous and building a second house would be undue burden and expensive.

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

Lot 11 with main house was bought in 1998. Lot 10 was purchased a few years later and offers us a second pasture for the horses. We now use it for wild flowers and milkweed in support of Butterflies, blue bonnets and other wild native flowers.

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.

Lot 10 is 1.4 acres with beautiful trees and will always provide much adored scenery. My property is located on the Cul de Sac at the end [North side] of Buckboard.



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 accessory bldg will be a low profile, and provide me a place for my hobbies. high quality Mueller street Bldg

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.

My parcel of land includes Lot 10 and 11 which are contiguous. The accessory Bldg will reside on Lot 10. See Attachment A.

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

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

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

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

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



Case No. BOA 21.06

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. 10

Property Address 714 Buckboard

Block No. E

Ovilla, TX 75154

Zoning _____

The Applicant, Bert Holom bek, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter 14, Section 30.1 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

I'm seeking a variance From 30.1 which states a dwelling must exist For the Accessory Bldg To be allowed on Lot 10.

[see Attachment A]

Lot 10 + 11 are adjacent Lots. The main dwelling is on Lot 11.

Has a previously appeal been filed on this property?

YES/NO

If YES, when was the previous appeal filed? _____



• Case No. BOA 21.06

I have completed the following requirements:

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

I authorize _____ of _____
(Applicant's agent) (Address)

_____, to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

Applicant's Name Bert Holom bek

Mailing Address 714 Buckboard

Telephone (Hm) 469-865-0889

Telephone (Wk) _____

Email bholom bek@gmail.com

B. Holom bek

Applicant's signature

9-15-2021

Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: BURT HOLOMBEK
Address: 714 BUCKBOARD

Case Number: BOA21.06

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.1 ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS; *Generally – (placement before main dwelling exists)* 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:

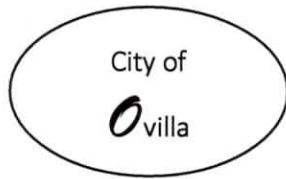
___ FOR
 ___ AGAINST
 ___ ABSTAIN

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

City or Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

ITEM: 2

DISCUSSION & ACTION

Regular Meeting Date: October 18, 2021

Attachments:

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

Agenda Item / Topic:

ITEM 2. **BOA21.07 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS; PLACEMENT – Front Setback filed by Bert Holombek for a residential variance on placement of an accessory building that must be located completely behind the rear plane of the main dwelling on their property at 714 Buckboard, Ovilla, TX 75154.

Discussion / Justification:

APPLICANT: Bert Holombek
LOCATION: 714 Buckboard
ZONING: RE Residential (1 Ac.)

Applicant's Proposal:

Applicant/owner of said property, requests to place an accessory building that is not completely behind the rear plane of the main dwelling.

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

Placement; Front Setback. 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 Waxahachie Daily Light and 16 certified letters mailed.

Sample Motion(s):

City of

*O*villa

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO BURT HOLOMBEK TO CONSTRUCT AN ACCESSORY BUILDING THAT IS NOT LOCATED BEHIND THE REAR PLANE OF THE MAIN DWELLING ON HIS PROPERTY AT 714 BUCKBOARD AS PRESENTED IN BOA21.07."



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: BURT HOLOMBEK
Address: 714 BUCKBOARD

Case Number: BOA21.07

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

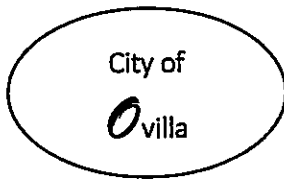
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

City or Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

ITEM: 3

DISCUSSION & ACTION

Regular Meeting Date: October 18, 2021

Attachments:

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

Agenda Item / Topic:

ITEM 3. **BOA21.08 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3B ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS; PLACEMENT – Angles filed by Bert Holombek for a residential variance on placement of an accessory building with the main opening or door not facing at a 90 angle or 180 angle on their property at 714 Buckboard, Ovilla, TX 75154.

Discussion / Justification:

APPLICANT: Bert Holombek
LOCATION: 714 Buckboard
ZONING: RE Residential (1 Ac.)

Applicant's Proposal:

Applicant/owner of said property, requests to place an accessory building that the main door is not facing at a 90 degree angle or 180 degree angle.

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

Placement; Angles. The main opening or door of the residential accessory building must face at a ninety degree or on hundred and eighty 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 feet off the front lot 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 Waxahachie Daily Light and 16 certified letters mailed.

Sample Motion(s):

City of

*O*villa

"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO BURT HOLOMBEK TO CONSTRUCT AN ACCESSORY BUILDING THAT THE MAIN DOOR IS NOT FACING AT A 90 OR 180 DEGREE ANGLE ON HIS PROPERTY AT 714 BUCKBOARD AS PRESENTED IN BOA21.08."

Main
Door opening
"Angles"

30.3 Placement

BOA 21.08



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 Accessory Bldg To be built on Lot 10, which is adjacent to Lot 11 where my house is located. Both lots adjoin the cul-de-sac for 137 feet.

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.

241' The Accessory Bldg has the length parallel with the west property line. Set Ten Feet away from property line. That makes the angle 75° (instead of 90°) of the main house.

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

Angles of the main door opening are challenging when adjoining a cul-de-sac. Having the length of the accessory bldg in parallel with the lot line makes sense and provides more aesthetic appeal.

Condition 4: The board shall further make a finding that the reason set forth in the application justifies 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.

Requesting a variance of 15°. Instead of 90° Facing front of main dwelling the angle will be 75°.

RECEIVED

SEP 15 2021

Initial: CY



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.

No one will notice the 15° difference, especially on the end of a dead end street.

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.

Please see Attachment A

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

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

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

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

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

Case No. BOA 21.08**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. 10Property Address 714 Buckboard ST.Block No. EOvilla, TX 75154

Zoning _____

The Applicant, Bert Holombek, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 4, Chapter 14, Section 30.3 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

I am seeking a variance of "Accessory Bldg must Face at a 90° angle From the Front of the main Bldg."

The 15° difference would make the angle 75°.

The property is located at the end of a dead end street.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



• Case No. BOA 21.08

I have completed the following requirements:

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

I authorize _____ of _____
(Applicant's agent) (Address)

_____ to represent me in this variance request before the Board of Adjustment.
(Telephone)

Respectfully submitted:

Applicant's Name Bert Holombek

Mailing Address 714 Buckboard

Telephone (Hm) 469 865 0889

Telephone (Wk) _____

Email bholombek@gmail.com

B. Holombek
Applicant's signature

9-15-2021
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: MAJUSTA ALLEN
Address: 400 MONTPELIER

Case Number: BOA21.08

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; Angles 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:

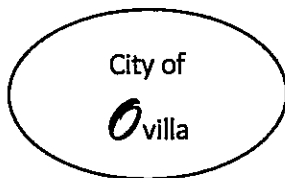
___ **FOR**
___ **AGAINST**
___ **ABSTAIN**

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
Regular Meeting Date: October 18, 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	