

**AGENDA**  
Board of Adjustment Meeting  
105 S. Cockrell Hill Road, Ovilla, Texas 75154  
May 19, 2014

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 on **Monday, May 19, 2014** at **7:00 P.M.** at **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 and Reports and Appointments**

♦None

**Consent Items**

♦Minutes of the April 2014 BOA 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.** **BOA201314.006 – Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS filed by Mr. Jim Christian for a residential variance to construct a freestanding/detached carport on his property at 410 Shadowwood Trail.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Mr. Jim Christian.

**ITEM 2.** **BOA201314.007 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 CONSTRUCTION MATERIAL filed by Mr. Jim Christian for a residential variance to construct a metal accessory building on his property lat 410 Shadowwood Trail.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Mr. Jim Christian.

**ITEM 3.** **BOA201314.008 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Mr. Edward Marcell for a residential variance to construct an accessory building with the main entrance facing to the front of his property at 110 Winding Way Court.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Mr. Edward Marcell.

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### **Zoning Board of Adjustment Requests for Future Items**

*No action or in-depth discussion may occur during this item. It is intended to provide an opportunity for the Board to inform each other and the public about events and situations that are of general interest.*

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#### **Adjournment**

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **May 19, 2014 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 16th day of May 2014, prior to 2:00 p.m.



Glennell Miller  
Board Secretary

IF YOU OR YOUR REPRESENTATIVE HAS A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CONTACT THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.

#### **CERTIFICATION**

I hereby certify that this Ovilla Board of Adjustment Agenda was removed from the City Hall Bulletin Board, located at 105 S. Codrell Hill Road, Ovilla, TX 75154, a place accessible to the public at all times on \_\_\_\_\_ day of \_\_\_\_\_ 2014, at \_\_\_\_\_ am/pm, after having been posted for at least 72 continuous hours preceding the scheduled time of the posted meeting. \_\_\_\_\_ Glennell Miller, Board Secretary

# CITY OF OVILLA MINUTES

*Monday, April 21, 2014  
Regular Board of Adjustment Meeting*

Vice-Chair Barbara Betik called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:01 p.m. with the following BOA members present, thus constituting a quorum:

Patricia Rarick	Board Member
Richard Ware	Board Member
Carol Richtsmeier	Board Member (Alternate)

Code Enforcement Officer Mike Dooly attended.

Member Patricia Rarick called the role of those present and declared a quorum. Stephanie Albright, Jeanne Ham and Julia Cearley were noted absent. Vice-Chair Betik led the Pledge of Allegiance.

Vice-Chair Betik outlined the evening's agenda and briefed those present on board procedures.

## **COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

None

## **CONSENT ITEMS**

- ◆ Minutes of the December 2013 BOA Meeting

Member Rarick made the motion that the BOA approves the consent item, December 2013 Minutes.

Alt-Member Richtsmeier seconded the motion.

***VOTE: The motion carried 4-0, no opposition, no abstentions.***

## **PUBLIC HEARING & INDIVIDUAL CONSIDERATION**

**ITEM 1.** **BOA201314.004- *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 **CONSTRUCTION MATERIAL** filed by Mr. Pedro Pina for a residential variance to construct a metal building on his property located at 29 A Westmoreland Estates #2.

***Vice-Chair Betik opened the Public Hearing at 7:06p.m.***

***(Testimony that followed was under proper oath; City Representative)***

Code Enforcement Officer Mike Dooly noted that the main dwelling was not established, but says the home would be built before the building in question could be built on the property. Explained that the accessory building would be constructed with metal material, if allowed.

***(Testimony that followed was under proper oath; Applicant)***

Mr. Pina stated that he wanted to build his building with the metal material due to sustainability. It was, in his opinion, the most durable material to use. He wanted the building to last and be aesthetically pleasing for many years. He addressed his property not having a main dwelling

*Julia Cearley, Chair*

*Stephanie Albright, Board Member*

*Barbara Betik, Vice-Chair*

*Jeanne Hamm, Alt. Board Member*

*Patricia Rarick, Board Member*

*Carol Richtsmeier, Alt. Board Member*

*Richard Ware, Board Member*

*Mike Dooly, Code Enforcement*

# CITY OF OVILLA MINUTES

*Monday, April 21, 2014  
Regular Board of Adjustment Meeting*

as of yet, and assured the Board that his home would be built before any additional buildings are built. He stated he wanted to know the outcome of the variance ahead of time. The Board asked questions about what the building would be built on, and applicant stated concrete. He added that the tresses were going to be steel.

**Vice-Chair Betik asked that those speaking in support come forward:**

**(Testimony that followed was under proper oath.)**

Joel Downs - (applicant's builder) -521 Bakers Branch Road Waxahachie TX -mentioned other metal buildings in the same area around applicant's property. He also mentioned the long term benefits of the metal material and how it would financially benefit applicant.

Billy Rogers - 735 Westmoreland – sold applicant the property and lives next door. His opinion is that in the long term, metal will be a better choice and mentioned that he has had a metal barn for over 25-years, and there have been many improvements in the material since then.

**Vice-Chair Betik asked that those speaking in opposition come forward:**

**(Testimony that followed was under proper oath.)**

Gaylan Tucker – 739 Westmoreland – explained that he has a metal building, but he reminded everyone that the City Ordinance has changed since his building was built. He also added that everyone needed to follow the guidelines. He says that the Board does not need to change the rules. He added that if we changed the rules on this variance, then would the rules be changed for everything.

**Rebuttal/Final Comments:**

None

**Vice-Chair Betik closed the Public Hearing at 7:29pm**

\*\*\*\* BOARD MEMBERS PROCEEDED WITH THE 2<sup>ND</sup> PUBLIC HEARING FOR MR. PINA'S 2<sup>ND</sup> ASSIGNED BOA201314.005  
PRIOR TO THEIR CONSIDERATION OF THE VARIANCES\*\*\*\*

**ITEM 2. BOA201314.005- Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.7 OTHER ACCESSORY BUILDINGS filed by Mr. Pedro Pina for a residential variance to construct an accessory building in excess of the allowed square feet on his property located at 29 A Westmoreland Estates #2.

**Vice-Chair Betik opened the Public Hearing at 7:30p.m.**

**(Testimony that followed was under proper oath; City Representative)**

Code Enforcement Officer Mike Dooly noted the main dwelling was not established, but would be built before the accessory building/barn in question would be built on the property. The barn would be centered, and be toward the back of the property. According to Ovilla Code, the maximum sq.ft. allowed for applicant's accessory building was 1,750 sq. ft., based on the 1.8 acres he has. The building, if allowed, would be 2400 + sq. ft. (3,300 sq.ft. includes awning)

**(Testimony that followed was under proper oath; Applicant)**

Mr. Pina stated he needed the building larger than Code allows due to all the equipment and accessories he owns that would require storage. He stated he felt he would outgrow any smaller barn/building. The concern he has was that the property would look "junkie" if all of his equipment/accessories were not kept in the building. He stated he wanted the property's appearance to be well kept. (Mr. Pina was willing to remove awning)

# CITY OF OVILLA MINUTES

*Monday, April 21, 2014  
Regular Board of Adjustment Meeting*

**Vice-Chair Betik asked that those speaking in support come forward:  
(Testimony that followed was under proper oath.)**

Joel Downs – stated that the space was needed for equipment and animal stalls. Board Member Richtsmeier asked the applicant what animals he had and what was allowed per Code. Applicant stated he had 2 horses, 1 cow, and numerous goats and chickens. Officer Dooly stated that Code allowed a total 4 large livestock.

**Vice-Chair Betik asked that those speaking in opposition come forward:  
(Testimony that followed was under proper oath.)**

Gaylan Tucker – 739 Westmoreland – asked BOA to remain according to the Code. His property would be directly affected.

**Rebuttal/Final Comments:**

Mr. Pina – said he understood the neighbor's concern, but said he would keep the property neat, and orderly. Again, Mr. Pina stated that the size is needed for his equipment. He reiterated that the building would sit behind his house and have the look of a barn.

**Vice-Chair Betik closed the Public Hearing at 7:54pm**

**DISCUSSION/ACTION** – Consideration of request for both **Variances** filed by Mr. Pedro Pina.

**Public Hearing reopened:** 7:56

The Board confirmed that the Ordinance for metal accessory buildings materials was changed a few years back.

Officer Dooly did confirm the Ordinance was changed prior to 2007.

**Public Hearing closed:** 7:58

The Board reviewed the criterion and completed the *Findings-of-Fact* form for **BOA201314.004** for CONSTRUCTION MATERIAL resulting in a **negative** outcome.

Member Rarick makes the motion that the BOA denies the **Variance** requested in Appeal 201314.004, by Mr. Pedro Pina, to construct metal accessory building.

Member Ware seconds the motion.

Vice-Chair Betik called a record vote.

**Record Vote:**

ALBRIGHT	<u>ABSENT</u>
BETIK	<u>AYE – to deny</u>
CEARLEY	<u>ABSENT</u>
WARE	<u>AYE – to deny</u>
HAM	<u>ABSENT</u>
RARICK	<u>AYE – to deny</u>
RICHTSMEIER	<u>AYE – to deny</u>

**VOTE: The motion carried unanimously. 4-0**

The Board reviewed the criterion and completed the *Findings-of-Fact* form for **BOA201314.005** for OTHER ACCESSORY BUILDINGS resulting in a **negative** outcome.

*Julia Cearley, Chair  
Stephanie Albright, Board Member  
Barbara Betik, Vice-Chair  
Jeanne Hamm, Alt. Board Member*

*Patricia Rarick, Board Member  
Carol Richtsmeier, Alt. Board Member  
Richard Ware, Board Member  
Mike Dooly, Code Enforcement*

# CITY OF OVILLA MINUTES

*Monday, April 21, 2014  
Regular Board of Adjustment Meeting*

Member Richtsmeier made the motion that the BOA denies the **Variance** requested in Appeal 201314.005, by Mr. Pedro Pina, to construct an accessory building in excess of the allowed square feet.

Member Ware seconds the motion.

Vice-Chair Betik calls a record vote.

**Record Vote:**

ALBRIGHT	<u>ABSENT</u>
BETIK	<u>AYE – to deny</u>
CEARLEY	<u>ABSENT</u>
WARE	<u>AYE – to deny</u>
HAM	<u>ABSENT</u>
RARICK	<u>AYE – to deny</u>
RICHTSMEIER	<u>AYE – to deny</u>

***VOTE: The motion carried unanimously. 4-0***

**Zoning Board of Adjustments Requests for Future Items**

None

**Adjournment**

There being no further business, Vice-Chair Barbara Betik adjourned the meeting at 8:11 p.m.  
Member Ware seconded.

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Barbara Betik, Vice-Chair

ATTEST:

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Glennell Miller, Board Secretary  
Attachment: Findings of Fact forms (2)

*Approved May 19, 2014*

*Julia Cearley, Chair  
Stephanie Albright, Board Member  
Barbara Betik, Vice-Chair  
Jeanne Hamm, Alt. Board Member*

*Patricia Rarick, Board Member  
Carol Richtsmeier, Alt. Board Member  
Richard Ware, Board Member  
Mike Dooly, Code Enforcement*



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: Pedro Pina Case Number: 201314.004  
Address: 29 A WESTMORELAND ESTATES #2

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.5 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.		✓

All findings must be determined in the affirmative for the variance to be granted.

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
Chair Julia Cearley	ABSENT		
Vice-Chair Barbara Betik	AYE		
Member Stephanie Albright	ABSENT		
Member Patricia Rarick	AYE		
Member Richard Ware	AYE		
Alt. Member Carol Richtsmeier	AYE		
Alt. Member Jeanne Ham	ABSENT		

TOTALS:

0 FOR  
4 AGAINST  
   ABSTAIN

The variance is hereby:

granted

✓ denied

Barbara Betik  
Presiding Officer of BOA

Date

4/21/14

Miller  
Board Secretary



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: Pedro Pina Case Number: 201314.005  
Address: 29 A WESTMORELAND ESTATES #2

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.7 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.	✓	

All findings must be determined in the affirmative for the variance to be granted.  
BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
Chair Julia Cearley	ABSENT		
Vice-Chair Barbara Betik	AYE		
Member Stephanie Albright	ABSENT		
Member Patricia Rarick	AYE		
Member Richard Ware	AYE		
Alt. Member Carol Richtsmeier	AYE		
Alt. Member Jeanne Ham	ABSENT		

TOTALS:

\_\_\_\_ FOR  
\_\_\_\_ AGAINST  
\_\_\_\_ ABSTAIN

The variance is hereby: granted ✓ denied

Barbara Betik  
Presiding Officer of BOA

Date

4/21/14

Julie  
Board Secretary

**BOARD OF ADJUSTMENT**

AGENDA ITEM NO: 1

May 19, 2014

**ITEM 1.** **BOA201314.006 - *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.8 CARPORTS filed by Mr. Christian for a residential variance to construct a freestanding/detached carport on his property at 410 Shadowwood Trail.

**DISCUSSION/ACTION – Consideration** of requested **Variance** filed by Mr. Jim Christian.

**APPLICANT:**

Jim Christian

**LOCATION:**

410 Shadowwood Trail

**ZONING:**

RE Residential

**NOTICES:**

One public notice listed in the Waxahachie Daily Light; 12 certified letters mailed. City office has received no opposition notices.

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**APPLICANT'S PROPOSAL:**

Applicant requests to construct freestanding/detached carport.

**DISCUSSION:**

**The Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORTS states:**

- A. Prohibition. Freestanding carports are not permitted.
- B. Exceptions. A carport is permitted if the following conditions are met:
  - 1. It is designed as an integral part of a detached garage or dwelling unit;
  - 2. The roofline of the main building and the carport are integrated and shingled as appears on the entire house; and
  - 3. It is constructed on the side or rear of the main structure.

**BOARD DISCUSSION:** The Board is allowed to grant a **variance** based on the outcome of the *Findings of Fact* form.

**STAFF RECOMMENDATION:** N/A

**SAMPLE MOTION:**

***"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JIM CHRISTIAN TO BUILD A FREESTANDING/DETACHED CARPORT ON HIS PROPERTY LOCATED AT 410 SHADOWWOOD TRAIL, AS PRESENTED IN BOA201314.006."***

## CHAPTER 14

### ZONING

#### 30.8 CARPORTS

- A. Prohibition. Freestanding carports are not permitted.
- B. Exceptions. A carport is permitted if the following conditions are met:
  - 1. It is designed as an integral part of a detached garage or dwelling unit;
  - 2. The roofline of the main building and the carport are integrated and shingled as appears on the entire house; and
  - 3. It is constructed on the side or rear of the main structure.



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

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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 201314.006



## 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.

Property is too small to attach a DRIVE  
way.

**Condition 2:** That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

yes, other property owners have detached  
car port.

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

property was like that when I bought  
property in February 2014

**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.

BOA 201314.006



**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, will be nice.*

**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.

*accessory buildings are allowed.*

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 201314. 006



Case No. BOA 201314. 006

## 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. 52

Property Address 410 Shadow wood

Block No. Shadowwood Edition

Ovilla

Zoning \_\_\_\_\_

The Applicant, JIM E. CHRISTIAN, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 13, Chapter 30.8, Section A of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

WOULD LIKE TO COVER MY TRAVEL TRAILER AND PICK-UP WITH A STORAGE COVER

Has a previously appeal been filed on this property? YES / NO

If YES, when was the previous appeal filed? \_\_\_\_\_



- Case No. BOA 201314-006

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 JIM E. CHRISTIAN

Mailing Address 410 SHADOWWOOD TRAIL

OVILLA, TEXAS

Telephone (Hm) 972-217-1152

Telephone (Wk) N/A

Email J.B.CHRISTIAN@ATT.NET

Jim E. Christian 4-10-14

Applicant's signature Date

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

**APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON**



DATE: 4/24/14

- Case No. BOA 201314.006

\*\*\*\*\*

OFFICE USE ONLY

DATE RECEIVED: 4/24/14 HEARING DATE: 5/19/14

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

BOA CHAIRMAN SIGNATURE: \_\_\_\_\_



# STADIA LAND SURVEYING INC.

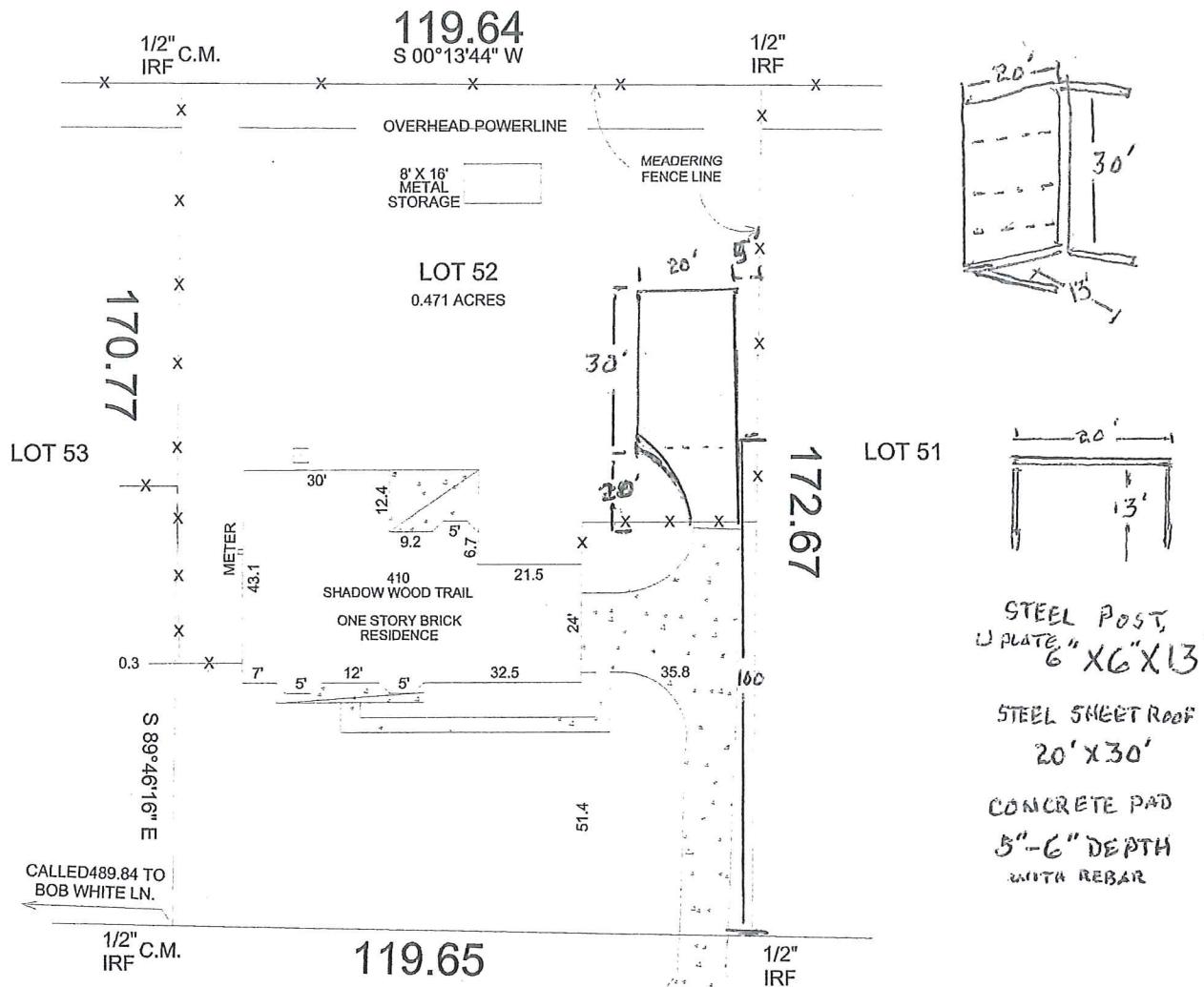
COPYRIGHT DATE  
11 / 21 / 13

PROPERTY ADDRESS / 410 SHADOW WOOD TRAIL  
OVILLA, TEXAS

**LEGAL DESCRIPTION OF LAND:**

LOT 52, OF SHADOW WOOD ESTATES ADDITION, AN ADDITION TO THE CITY OF OVILLA, ELLIS COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 3, PAGE(S) 90 & 91 AND CABINET A, SLIDE 558, PLAT RECORDS, ELLIS COUNTY, TEXAS.

R.V. COVER



CALLED489.84 TO  
BOB WHITE LN.

1/2" C.M.  
IRF

119.65

1/2"

# REFERENCE BRO.

# SHADOW WOOD TRAIL

(60' R.O.W.)

75154



**LEGEND**  
**CONCRETE** C.M. - CONTROL MONUMENT  
**BL** - BUILDING LINE  
**U.E.** - UTILITY EASEMENT  
**COVERED** IRF - IRON ROD FOUND  
 IRS - IRON ROD SET  
 R.O.W. - RIGHT OF WAY  
**FENCING** **ASPHALT**  
 X-X-X  
 AC PAD

SURVEYOR'S NOTE: I DID NOT  
SEARCH THE COUNTY RECORDS TO  
DETERMINE EASEMENTS OR RECORD  
TITLE. ALL INTERESTED PARTIES SHOULD  
EMPLOY A TITLE AND ABSTRACT CO. TO  
DETERMINE EASEMENTS AND STATE OF  
TITLE AND OWNERSHIP TO THIS PROPERTY.

**SURVEY ONLY VALID WITH ORIGINAL SEAL AND SIGNATURE**

THE PLAT HEREON IS A REPRESENTATION OF THE PROPERTY, AS DETERMINED BY THE GROUND SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF ABOVE GROUND BUILDINGS AND ABOVE GROUND IMPROVEMENTS ARE AS SHOWN, ALL ABOVE GROUND IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY AS SHOWN.

EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

This survey was performed EXCLUSIVELY for and in connection with the transaction described in G.F. No. LT-19127-191270032 of JACKSON LAW FIRM.

This Company, Use of this survey for any other purpose or by any other party that she hereby prohibited as this survey is a copyright owned by STADIA LAND SURVEYING, Inc. and of other uses are forbidden, without prior written consent of STADIA LAND SURVEYING, Inc. ©

JIMMY E. POGUE  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5592

STADIA LAND SURVEYING, INC.  
P.O. BOX 1886  
RED OAK, TEXAS 75154  
PHONE (972) 617 - 9988  
FAX: (972) 617 - 6809

BOA 201314.006.007



## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: JIM CHRISTIAN  
Address: 410 SHADOWWOOD TRL.

Case Number: BOA 201314.006

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.8 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.		

*All findings must be determined in the affirmative for the variance to be granted.*

**BOA Members present, and upon a record vote of:**

	FOR	AGAINST	ABSTAIN
Chair Julia Cearley			
Vice-Chair Barbara Betik			
Member Stephanie Albright			
Member Patricia Rarick			
Member Richard Ware			
Alt. Member Carol Richtsmeier			
Alt. Member Jeanne Ham			

**TOTALS:**

FOR  
AGAINST  
ABSTAIN

The variance is hereby: granted denied

\_\_\_\_\_  
Presiding Officer of BOA

\_\_\_\_\_  
Date

\_\_\_\_\_  
City or Board Secretary

**BOARD OF ADJUSTMENT**

AGENDA ITEM NO: 2

May 19, 2014

**ITEM 2.** **BOA201314.007 - *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.5 CONSTRUCTION MATERIAL filed by Mr. Christian for a residential variance to construct metal accessory building on his property at 410 Shadowwood Trail.

**DISCUSSION/ACTION** – Consideration of requested **Variance** filed by Mr. Jim Christian.

**APPLICANT:**

Jim Christian

**LOCATION:**

410 Shadowwood Trail

**ZONING:**

RE Residential

**NOTICES:**

One public notice listed in the Waxahachie Daily Light; 12 certified letters mailed. City office has not received any opposition.

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**APPLICANT'S PROPOSAL:**

Applicant requests to construct a metal accessory building.

**DISCUSSION:**

**The Ovilla Code of Ordinances, Chapter 14, Section 30.5, CONSTRUCTION MATERIAL states:**

- (A) Residential Accessory. Except as provided by subsection B, a residential accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, wood, or UV Protected, double-walled, high density polyethylene plastic with simulated finishes of wood or masonry, and with steel reinforced construction and steel trusses. (Ordinance 2011-026 adopted 11/14/11)
- (B) Greenhouse. Glass or clear plastic may be used for the construction of a greenhouse.
- (C) Metal. An accessory building may be constructed of commercial grade metal 'r' or 'u' panels (minimum 26 gauge) if the lot size on which the building is constructed is two (2) acres or greater.

**BOARD DISCUSSION:** The Board is allowed to grant a **variance** based on the outcome of the *Findings of Fact* form.

**STAFF RECOMMENDATION:** N/A

**SAMPLE MOTION:**

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JIM CHRISTIAN TO BUILD A METAL ACCESSORY BUILDING ON HIS PROPERTY LOCATED AT 410 SHADOWWOOD TRAIL, AS PRESENTED IN BOA201314-007."**

## CHAPTER 14

### ZONING

#### 30.5 CONSTRUCTION MATERIAL

- A. Residential Accessory. Except as provided by subsection B, a residential accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, wood, or UV Protected, double-walled, high density polyethylene plastic with simulated finishes of wood or masonry, and with steel reinforced construction and steel trusses. (Ordinance 2011-026 adopted 11/14/11)
- B. Greenhouse. Glass or clear plastic may be used for the construction of a greenhouse.
- C. Metal. An accessory building may be constructed of commercial grade metal 'r' or 'u' panels (minimum 26 gauge) if the lot size on which the building is constructed is two (2) acres or greater.



## 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 201314.007



## 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.

metal requires less maintenance and repair

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---

**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.

other properties have metal carport

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

you recently purchased the property in Feb 2014

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**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.

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BOA 201314.007



**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.

*all other neighbors have metal carports.*

**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.

*accessory building, carports are allowed.*

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 201314.007



Case No. BOA 201314.007

## 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. 52

Property Address 410 Shadowwood

Block No. Shadowwood

Ovilla TX

Zoning \_\_\_\_\_

The Applicant, Jim E. Christian, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 13, Chapter 30.5, Section C of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

*metal building - CAR port - 4  
Material - acreage under 2 acres*

Has a previously appeal been filed on this property? YES / NO

If YES, when was the previous appeal filed? \_\_\_\_\_



- Case No. BOA 201314.007

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 JIM E. CHRISTIAN

Mailing Address 410 SHADOWWOOD TRAIL

OVILLA, TEXAS 75154

Telephone (Hm) 972-217-1152

Telephone (Wk) N/A

Email J.B.CHRISTIAN@ATT.NET

J. E. Christian

4-10-14

Applicant's signature

Date

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

**APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON**



DATE: 4/24/14

- Case No. BOA 201314. 007

\*\*\*\*\*

OFFICE USE ONLY

DATE RECEIVED: 4/24/14 HEARING DATE: 5/19/14

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

BOA CHAIRMAN SIGNATURE: \_\_\_\_\_



# STADIA LAND SURVEYING INC.

COPYRIGHT DATE  
11/21/13

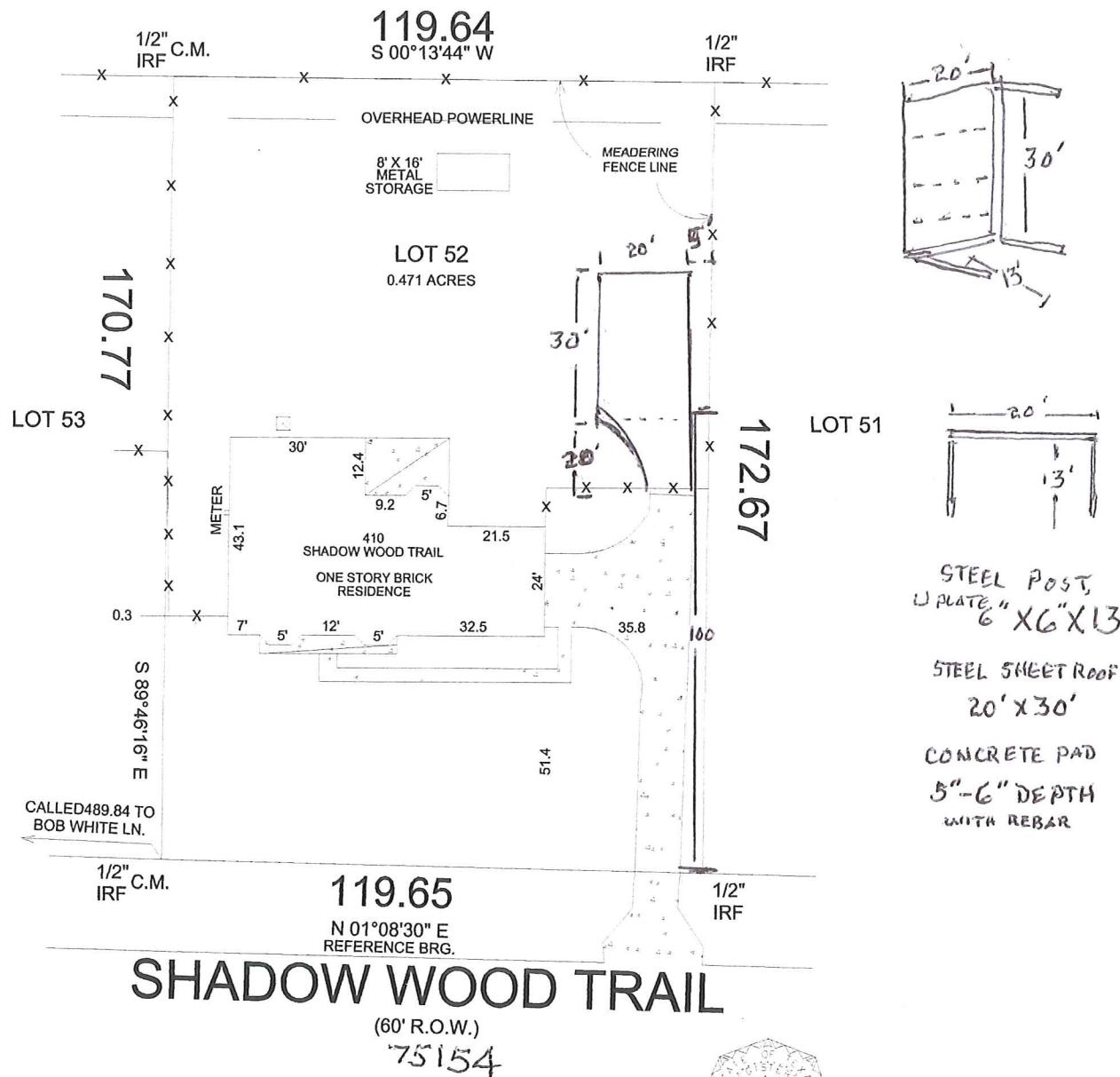
PROPERTY ADDRESS / 410 SHADOW WOOD TRAIL  
OVILLA, TEXAS

## LEGAL DESCRIPTION OF LAND:

LOT 52, OF SHADOW WOOD ESTATES ADDITION, AN ADDITION TO THE CITY OF OVILLA, ELLIS COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 3, PAGE(S) 90 & 91 AND CABINET A, SLIDE 558, PLAT RECORDS, ELLIS COUNTY, TEXAS.

—Zo—

R.V. COVER



LEGEND	
CONCRETE	C.M. - CONTROL MONUMENT
COVERED	B.L. - BUILDING LINE
FENCING	U.E. - UTILITY EASEMENT
<input checked="" type="checkbox"/> AC PAD	IRF - IRON ROD FOUND
	IRS - IRON ROD SET
	R.O.W. - RIGHT OF WAY
	ASPHALT

SURVEYOR'S NOTE: I DID NOT  
SEARCH THE COUNTY RECORDS TO  
DETERMINE EASEMENTS OR RECORD  
TITLE. ALL INTERESTED PARTIES SHOULD  
EMPLOY A TITLE AND ABSTRACT CO. TO  
DETERMINE EASEMENTS AND STATE OF  
TITLE AND OWNERSHIP TO THIS PROPERTY.

SURVEY ONLY VALID WITH ORIGINAL SEAL AND SIGNATURE

THE PLAT HEREON IS A REPRESENTATION OF THE PROPERTY, AS DETERMINED BY ON THE GROUND SURVEY. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF ABOVE GROUND BUILDINGS AND ABOVE GROUND IMPROVEMENTS ARE AS SHOWN, ALL ABOVE GROUND IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY AS SHOWN.  
EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

Scale 1" = 20'  
Date 11/05/13  
JOB No. 0850-13

This survey was performed EXCLUSIVELY for and in connection with  
the transaction described in G.F. No. LT19127-1912700321  
of JACKSON LAW FIRM  
This Company, Use of this survey for any other purpose or by any other  
parties shall be strictly prohibited as this survey is a copyright owned by  
STADIA LAND SURVEYING, Inc., and all other uses are forbidden,  
without prior written consent of STADIA LAND SURVEYING, Inc.

JIMMY E. POGUE  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5592

STADIA LAND SURVEYING, INC.  
P.O. BOX 1886  
RED OAK, TEXAS 75154  
PHONE (972) 617 - 9988  
FAX: (972) 617 - 6809  
stadiasurveying@sbcglobal.net



JIMMY E. POGUE

BOA 201314.006.007



# City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: JIM CHRISTIAN  
Address: 410 SHADOW WOOD TPL.

Case Number: BOA 201314.007

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.5 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.		

*All findings must be determined in the affirmative for the variance to be granted.*

## **BOA Members present, and upon a record vote of:**

FOR      AGAINST      ABSTAIN

FOR	AGAINST	ABSTAIN
Chair Julia Cearley		
Vice-Chair Barbara Betik		
Member Stephanie Albright		
Member Patricia Rarick		
Member Richard Ware		
Alt. Member Carol Richtsmeier		
Alt. Member Jeanne Ham		

**TOTALS:**

FOR  
AGAINST  
ABSTAIN

---

**Presiding Officer of BOA**

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Date

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**City or Board Secretary**

**BOARD OF ADJUSTMENT**

AGENDA ITEM NO: 3

May 19, 2014

**ITEM 3.** **BOA201314.008 - *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.3 PLACEMENT filed by Mr. Marcell for a residential variance to construct an accessory building with the main entrance facing to the front of his property at 110 Winding Way Court.

**DISCUSSION/ACTION** – Consideration of requested **Variance** filed by Mr. Edward Marcell.

**APPLICANT:**

Edward Marcell

**LOCATION:**

110 Winding Way

**ZONING:**

RE Residential

**NOTICES:**

One public notice listed in the Waxahachie Daily Light; 13 certified letters mailed. City office has received no opposition notices.

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**APPLICANT'S PROPOSAL:**

Applicant requests to construct freestanding/detached carport.

**DISCUSSION:**

**The Ovilla Code of Ordinances, Chapter 14, Section 30.8, CARPORTS states:**

- A. Prohibition. Freestanding carports are not permitted.
- B. Exceptions. A carport is permitted if the following conditions are met:
  - 1. It is designed as an integral part of a detached garage or dwelling unit;
  - 2. The roofline of the main building and the carport are integrated and shingled as appears on the entire house; and
  - 3. It is constructed on the side or rear of the main structure.

**BOARD DISCUSSION:** The Board is allowed to grant a **variance** based on the outcome of the *Findings of Fact* form.

**STAFF RECOMMENDATION:** N/A

**SAMPLE MOTION:**

**"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO JIM CHRISTIAN TO BUILD A FREESTANDING/DETACHED CARPORT ON HIS PROPERTY LOCATED AT 410 SHADOWWOOD TRAIL, AS PRESENTED IN BOA201314.006."**

## CHAPTER 14

### ZONING

#### 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 it [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

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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 201314.008



## 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.

SEPTIC LINES WILL BE COVERED  
IF MAIN ENTRANCE IS 90°

**Condition 2:** That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

YES

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

No

**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

BOA 201314-008



**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

**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.

ACCESSORY BUILDING IS AN ALLOWED USE

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 201314.00B



Case No. BOA 201314.008

## 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. 4

Property Address 110 WINDING WAY CT.

Block No. B

OVILLA 75154

Zoning \_\_\_\_\_

The Applicant, EDWARD MARCELL, of ELLIS County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article C, 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.

VARIANCE TO ALLOW A FRONT  
FACING MAIN ENTRANCE ON AN  
ACCESSORY BUILDING.

Has a previously appeal been filed on this property? YES / NO

If YES, when was the previous appeal filed? NO



• Case No. BOA201314. ODB

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

EDWARD MARCELL

Mailing Address

110 WINDING WAY COURT

OVILLA, 75154

Telephone (Hm)

214-793-3917

Telephone (Wk)

972-708-2066

Email

edmarcell@hotmail.com

Edward Marcell  
Applicant's signature

Date

4-9-2014

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

**APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON**



DATE: APRIL 09, 2014

- Case No. BOA 201314-008

\*\*\*\*\*

OFFICE USE ONLY

DATE RECEIVED: 4/9/14 HEARING DATE: 5/19/14

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

BOA CHAIRMAN SIGNATURE: \_\_\_\_\_



110 WINDING WAY COURT

212'

202'

400 ft

DRIVEWAY

1" = 40'

DRAINAGE  
FIELD

20'

20'

12'

15'

15'

Fence

148'

8'

6'

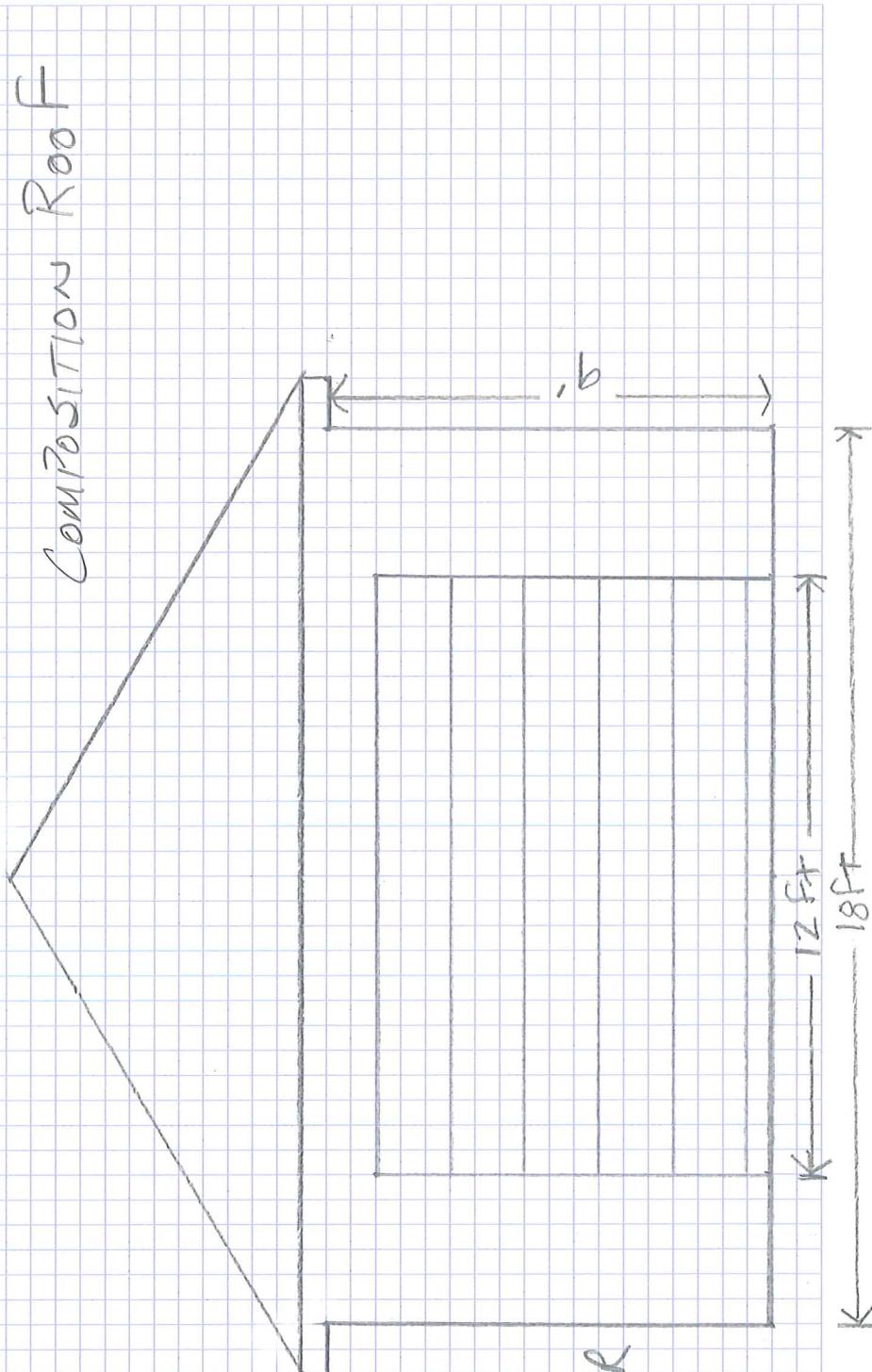
15'

BOA201314.008

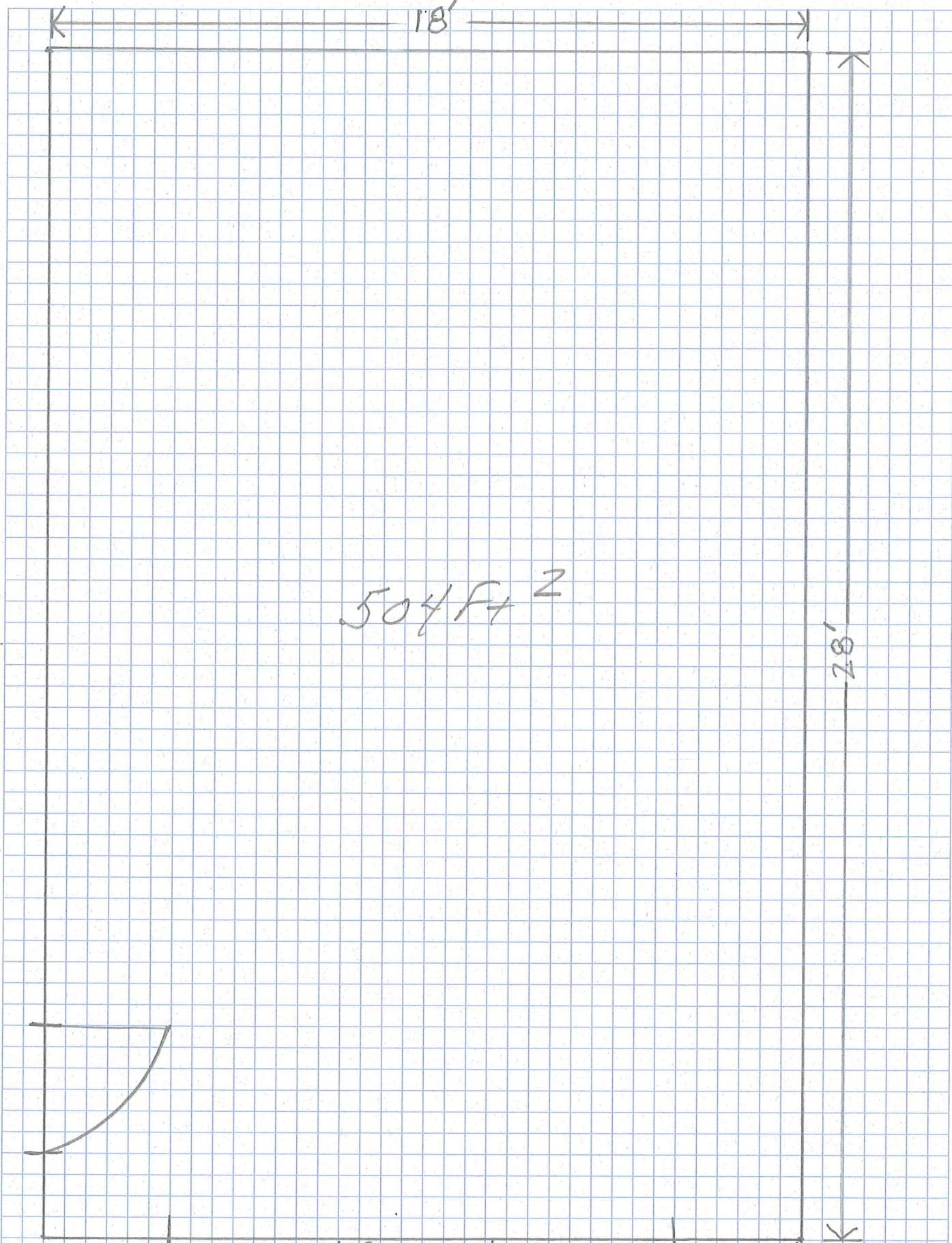
# 110 WINDING WAY CT,

Free Plain Graph Paper from <http://www.competetivecodinggraphpaper.com/>

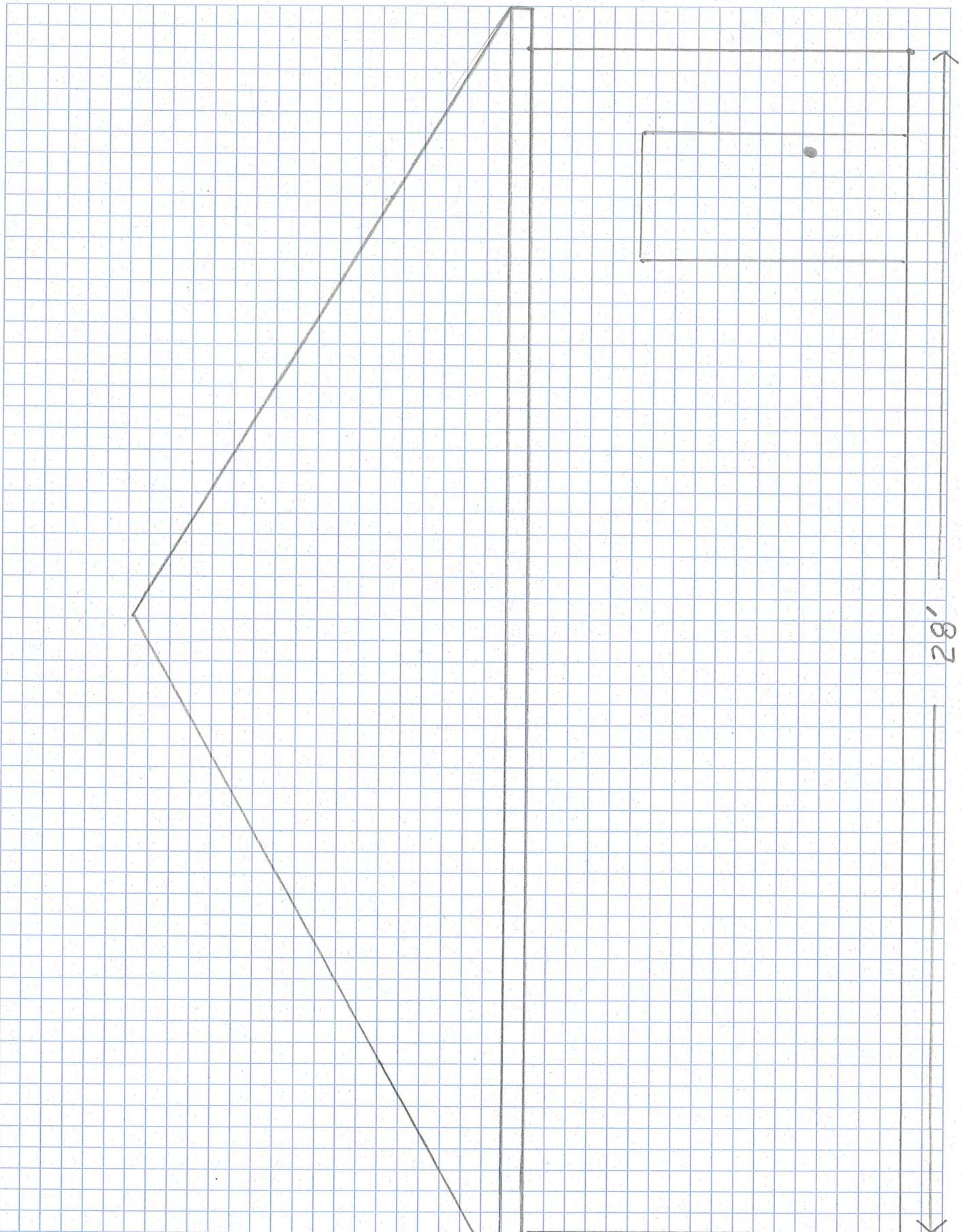
Composition Roof



110 WINDING WAY COURT



110 WINDING WAY COURT





## City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: EDWARD MARCELL

Case Number: BOA 201314. 008

Address: 110 WINDING WAY CT.

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14 Section 30.3 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.		

*All findings must be determined in the affirmative for the variance to be granted.*

**BOA Members present, and upon a record vote of:**

FOR      AGAINST      ABSTAIN

<b>Chair Julia Cearley</b>			
<b>Vice-Chair Barbara Betik</b>			
<b>Member Stephanie Albright</b>			
<b>Member Patricia Rarick</b>			
<b>Member Richard Ware</b>			
<b>Alt. Member Carol Richtsmeier</b>			
<b>Alt. Member Jeanne Ham</b>			

**TOTALS:**

       FOR  
       AGAINST  
       ABSTAIN

The variance is hereby:        granted        denied

Presiding Officer of BOA

Date