

AGENDA

Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
July 21, 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, July 21, 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

♦Mayor Richard Dormier will administer oaths & statements of office for new & incumbent Board of Adjustment Members.

Jamie Hilburn

Stephanie Albright

Jeanne Ham

Consent Items

♦Minutes of the May 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.** **DISCUSSION/ACTION** – Consider nominations and appointment of Chair to the Board of Adjustment.
- ITEM 2.** **DISCUSSION/ACTION** – Consider nominations and appointment of Vice Chair to the Board of Adjustment.
- ITEM 3.** **BOA201314.009 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Mr. & Mrs. Halowec for a special exception to construct a fence with posts/rails facing the outside of their property located at 118 Nob Hill Ln.
DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Mr. & Mrs. Halowec.
- ITEM 4.** **BOA201314.010 – Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.7 **OTHER ACCESSORY BUILDINGS** filed by Mr. Tom Foster for a residential variance to construct an accessory building

in excess of the allowed square feet on his property located at 1908 Duncanville Rd.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Mr. Tom Foster.

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.

Adjournment

This is to certify that a copy of the Notice of the **Ovilla Board of Adjustment Meeting** scheduled for **July 21, 2014 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 17th day of July 2014, prior to 6:00 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. Cockrell 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, Asst. to the City Secretary

CITY OF OVILLA MINUTES
Monday, May 19, 2014
Regular Board of Adjustment Meeting

Vice Chair Barbara Betik called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:07 p.m. with the following BOA members present, thus constituting a quorum:

Patricia Rarick	Board Member
Jeanne Ham	Board Member (Alternate)
Richard Ware	Board Member
Stephanie Albright	Board Member

Code Enforcement Officer Mike Dooly attended.

Member Rarick called the role of those present and declared a quorum. Chair Cearley was 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 April 2014 BOA Meeting

Member Rarick made the motion that the BOA approves the consent items.
Member Ham seconded the motion.

VOTE: The motion carried 5-0, no opposition, no abstentions.

PUBLIC HEARING & INDIVIDUAL CONSIDERATION

ITEM 1. **BOA201314.006 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Zoning, 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.

Vice Chair Betik opened the Public Hearing at 7:15 p.m.

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

Code Enforcement Officer Mike Dooly shared information, and distributed photos of those in the same neighborhood. Explains that this is the first request prior to the 2007 passing of ordinance on no freestanding/detached carports.

(Testimony that followed was under proper oath; Applicant)

Mr. Christian stated that his property is ½ acre and he has a 28 foot travel trailer and truck that he would like to protect from the weather. Explained that the carport would be behind a fence and located at the end of the driveway.

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, May 19, 2014
Regular Board of Adjustment Meeting

****AT THIS TIME BOARD WENT DIRECTLY TO ITEM 2 #201314.007 - MATERIALS, FOR CONSIDERATION ****

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

Code Enforcement Officer Mike Dooly spoke about the carport being built with metal instead of the approved materials.

(Testimony that followed was under proper oath; Applicant)

Mr. Christian stated that he wanted to do the carport when he purchase the home.

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

(Testimony that followed was under proper oath.)

Andrew Wright @ 406 Shadowwood Trail – is in favor of the carport and said that it would look better than having the trailer with a tarp for protection. He also mentioned that an attached carport is not feasible for applicant's property.

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

(Testimony that followed was under proper oath.)

None speaking/present.

Letter was sent to the Board Secretary: The Hutchinson's – 412 Shadowwood – mentioned they are concerned about the appearance. Explained, they did not mind the detached carport as long as it is not built with metal materials.

Rebuttal/Final Comments:

None

Vice Chair Betik closed the Public Hearing at 7:34pm

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

The Board reviewed the criterion and completed the *Findings-of-Fact* form for **BOA201314.006** for CARPORTS resulting in a **negative** outcome.

Member Ham made the motion that the BOA denies the **Variance** requested in appeal 201314.006, by Mr. Jim Christian, for carport.

Member Albright seconded the motion.

Vice Chair Betik called a record vote to **deny** detached carport.

Record Vote:

ALBRIGHT	<u>AYE</u>
BETIK	<u>AYE</u>
CEARLEY	<u>ABSENT</u>
WARE	<u>NAY</u>
HAM	<u>AYE</u>
RARICK	<u>AYE</u>

VOTE: The motion carried. 4-1

BOA201314.006 FOR CARPORT WAS DENIED THEREFORE MATERIALS ARE NOT UP FOR VOTE.

NO ACTION DUE TO DENIAL OF ITEM 1.

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, May 19, 2014
Regular Board of Adjustment Meeting

- ITEM 3.** **BOA201314.008 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Zoning, 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.

Vice Chair Betik opened the Public Hearing at 7:45 p.m.

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

Code Enforcement Officer Mike Dooly stated that the building would be at the end of the driveway with front facing doors. The building cannot be placed at the allowed 90° angle because of septic &/or fence. The building would be behind fence. Dooly mentioned that there are several in the area and that applicant will construct with proper allowed construction materials.

(Testimony that followed was under proper oath; Applicant)

Mr. Marcell gave out a floor plan and sample picture of building. He did mention that the building would not be visible from the street.

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

(Testimony that followed was under proper oath.)

None

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

(Testimony that followed was under proper oath.)

None

Rebuttal/Final Comments:

None

Vice Chair Betik closed the Public Hearing at 7:56pm

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

The Board reviewed the criterion and completed the *Findings-of-Fact* form for **BOA201314.008** for PLACEMENT resulting in a **positive** outcome.

Member Rarick made the motion that the BOA approves/grants the **Variance** requested in appeal 201314.008, by Mr. Edward Marcell.

Member Albright seconded the motion.

Vice Chair Betik called a record vote to **approve/grant** placement of accessory building.

Record Vote:

ALBRIGHT	<u>AYE</u>
BETIK	<u>AYE</u>
CEARLEY	<u>ABSENT</u>
WARE	<u>AYE</u>
HAM	<u>AYE</u>
RARICK	<u>AYE</u>

VOTE: The motion carried. 5-0

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, May 19, 2014
Regular Board of Adjustment Meeting

Zoning Board of Adjustments Requests for Future Items

N/A

Adjournment

There being no further business, Vice Chair Barbara Betik adjourned the meeting at 8:00 p.m.

Barbara Betik, Vice Chair

ATTEST:

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

Approved July 21, 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: JIM CHRISTIAN
Address: 410 SHADOW WOOD 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.	✓	1
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		ABSENT
Vice-Chair Barbara Betik	AYE		
Member Stephanie Albright	AYE		
Member Patricia Rarick	AYE		
Member Richard Ware	NAY		
Alt. Member Carol Richtsmeier	ABSENT		NOT NEEDED
Alt. Member Jeanne Ham	AYE		

TOTALS:

___ FOR
 ✓ ___ AGAINST
 ___ ABSTAIN

The variance is hereby: _____ granted _____ ✓ _____ denied

Barbara Betik
Presiding Officer of BOA

5-19-14
Date

Miller
City or Board Secretary



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: EDWARD MARCELL
Address: 110 WINDING WAY CT.

Case Number: BOA 201314.008

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
Chair Julia Cearley	ABSENT	_____	_____
Vice-Chair Barbara Betik	AYE		
Member Stephanie Albright	AYE		
Member Patricia Rarick	AYE		
Member Richard Ware	AYE		
Alt. Member Carol Richtsmeier	ABSENT	~NOT NEEDED~	
Alt. Member Jeanne Ham	AYE		

TOTALS:

___ FOR
 ___ AGAINST
 ___ ABSTAIN

The variance is hereby: ✓ granted denied

Barbara Betik
Presiding Officer of BOA

5-19-14
Date

G. Miller
City or Board Secretary

BOARD OF ADJUSTMENT

AGENDA ITEM NO: 1

July 21, 2014

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

ATTACHMENT: Refer to the attached pages 14A-120 through 14A-121 of the Ovilla Code of Ordinance Book.

DISCUSSION:

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

STAFF RECOMMENDATION: N/A

SAMPLE MOTION:

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

- 1. _____***
- 2. _____***

ANY OTHER NOMINATIONS?

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

Section 44 - Completion of Buildings Under Construction

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

Section 45 - Zoning Board of Adjustment

45.1 ESTABLISHMENT

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

B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the city council for the unexpired term of the member affected.

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

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

45.2 TERMS OF OFFICE

A. Terms. Each member shall serve a term of office of two years. After the expiration of a two year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the first Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the first Monday in June of each even-numbered year.

B. Places. The members of the Board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years.

45.3 PROCEDURE

A. Meetings.

1. The Board shall hold an organizational meeting on the first Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.

2. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.
3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

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

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

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

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

45.4 OFFICERS

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

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

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

45.5 POWERS OF THE BOARD

The Zoning Board of Adjustment shall have the powers and exercise the duties of a Zoning Board of Adjustment in accordance with Section 211.008 of the Texas Local Government Code. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Zoning Board of Adjustment shall have the following powers and duties:

- A. Interpretation. To render an interpretation of the zoning regulations or the manner of their application where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the administration of this ordinance. In reaching its decisions, the Board shall establish guidelines for future administrative action on like matters.

BOARD OF ADJUSTMENT

AGENDA ITEM NO: 2

July 19, 2014

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

ATTACHMENT: Refer to the attached pages 14A-120 through 14A-121 of the Ovilla Code of Ordinance Book.

DISCUSSION:

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

STAFF RECOMMENDATION: N/A

SAMPLE MOTION:

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

- 1.** _____
- 2.** _____

ANY OTHER NOMINATIONS?

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

Section 44 - Completion of Buildings Under Construction

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

Section 45 - Zoning Board of Adjustment

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B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the city council for the unexpired term of the member affected.

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

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

45.2 TERMS OF OFFICE

A. Terms. Each member shall serve a term of office of two years. After the expiration of a two year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the first Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the first Monday in June of each even-numbered year.

B. Places. The members of the Board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years.

45.3 PROCEDURE

A. Meetings.

1. The Board shall hold an organizational meeting on the first Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.

2. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.
3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

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

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

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

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

45.4 OFFICERS

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

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

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

45.5 POWERS OF THE BOARD

The Zoning Board of Adjustment shall have the powers and exercise the duties of a Zoning Board of Adjustment in accordance with Section 211.008 of the Texas Local Government Code. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Zoning Board of Adjustment shall have the following powers and duties:

- A. Interpretation. To render an interpretation of the zoning regulations or the manner of their application where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the administration of this ordinance. In reaching its decisions, the Board shall establish guidelines for future administrative action on like matters.

BOARD OF ADJUSTMENT

AGENDA ITEM NO: 3

July 21, 2014

ITEM 1. **BOA201314.009 - *Public Hearing and Discussion*** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Mr. & Mrs. Halowec for a residential variance to construct a fence with post/rails on the outside at 118 Nob Hill Ln..

DISCUSSION/ACTION – Consideration of requested ***Special Exception*** filed by the Robert & Lynn Halowec.

APPLICANT: Robert & Lynn Halowec
LOCATION: 118 Nob Hill Ln
ZONING: R22 Residential

NOTICES: One public notice listed in the Waxahachie Daily Light; 19 certified letters mailed. City office has received no opposition notices.

APPLICANT'S PROPOSAL:

Applicant requests to construct a fence with post/rails on the outside.

DISCUSSION:

The Ovilla Code of Ordinances, Chapter 14, Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** states:

D. Support and Rails

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

BOARD DISCUSSION: The Board is allowed to grant a ***special exception*** 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 SPECIAL EXCEPTION TO ROBERT AND LYNN HALOWEC AT 118 NOB HILL LN., TO BUILD FENCE WITH RAILS/POSTS ON THE OUTSIDE AT HIS PROPERTY, AS PRESENTED IN BOA201314.009."

Residential Building Permit Application

Building Permit Number: 4504		Valuation: \$6,000.00	
		Valuation w/land: _____	
Project Address: 118 NOB HILL LN			
Lot: _____	Block: _____	Subdivision: _____	
Project Description:			
NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: _____	
RE-INSPECTION/ADDITIONAL INSP <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>	
SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input type="checkbox"/>	FENCE <input type="checkbox"/>	
Proposed Use: 6' - 8' WOOD FENCE			
Description of Work: _____			
Area Square Feet: _____			
Living: _____	Garage: _____	Covered Porch: _____	Total: _____ Number of stories: _____

Name: LYNN HALOWEC	Contact Person: _____
Address: _____	
Phone Number: _____	Home Number: _____ Mobile Number: 972-569-0753

General Contractor	Contact Person	Phone Number	Contractor License Number
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: Lynn C. Halowec Date: May 9, 2014

OFFICE USE ONLY:

Approved by: _____	Date approved: _____	
--------------------	----------------------	--

Plan Review Fee: _____
 Building Permit Fee: _____
 Park Impact Fee: _____
 Capital Recovery Fee: _____
 Fire Meter: _____
 Water Meter Cost: _____
 Water Impact: _____
 Sewer Connection Fee: _____
 Sewer Impact: _____
 Fire Fee: _____

Receipt # _____
 Receipt # _____

Total Fees: _____
 Issued Date: _____
 Issued By: _____

Permit Denied.
 Poles / Rails on
 OUTSIDE
 5-12-14
 mmm

BV Project # _____

CHAPTER 14

ZONING

35.3 FENCES IN RESIDENTIAL DISTRICTS

D. Support and Rails

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



**INSTRUCTIONS FOR COMPLETING THE REQUEST FOR
~~VARIANCE~~ ^{SPECIAL EXCEPTION} 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 201314.009



CONDITIONS NECESSARY FOR GRANTING A VARIANCE

SPECIAL EXCEPTION

Ordinance 2010.023

Please state in detail how the conditions necessary for the granting of a ^{S.E.} 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.

For aesthetic reasons + cost.

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.

*All neighbors on street/alley have poles
& rails on outside of fence.*

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

*Wish to conform to other fence appearances
of neighborhood. And because we back onto
an alley.*

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

Yes.

BOA-201314-DD9



Condition 5: The Board of Adjustment shall further make a finding that the granting of the variance^{SE.} 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^{SE.} to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Yes.

The board shall further make a finding that the reason set forth in the application justify the granting of the variance^{S.E.}, and that the variance^{S.E.} 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^{S.E.} 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^{SE.} 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^{SE.}. 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 201314-009



Case No. BOA 201314.009

REQUEST FOR A ~~VARIANCE~~ SPECIAL EXCEPTION

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. 13 Property Address 118 Nob Hill

Block No. E Ovilla, Texas

Zoning R-22

The Applicant, _____, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article 1, Chapter 14, Section 3503 D2 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

Chapter 14 section 35.3D 2 States Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence.

Posts & rails of fence on outside. All neighbors have same & the fence backs onto the alley.

Has a previously appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



- Case No. BOA 201314.009

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

Lynn & Robert Halowec

Mailing Address

118 Nob Hill Lane.

Telephone (Hm)

972-217-1041

Telephone (Wk)

same as cell 972-569-0753

Email

rhalowec@airmail.net.

Applicant's signature

Lynn C. Halowec

Date

May 12/14.

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: _____

- Case No. BOA 2013 14-009

OFFICE USE ONLY

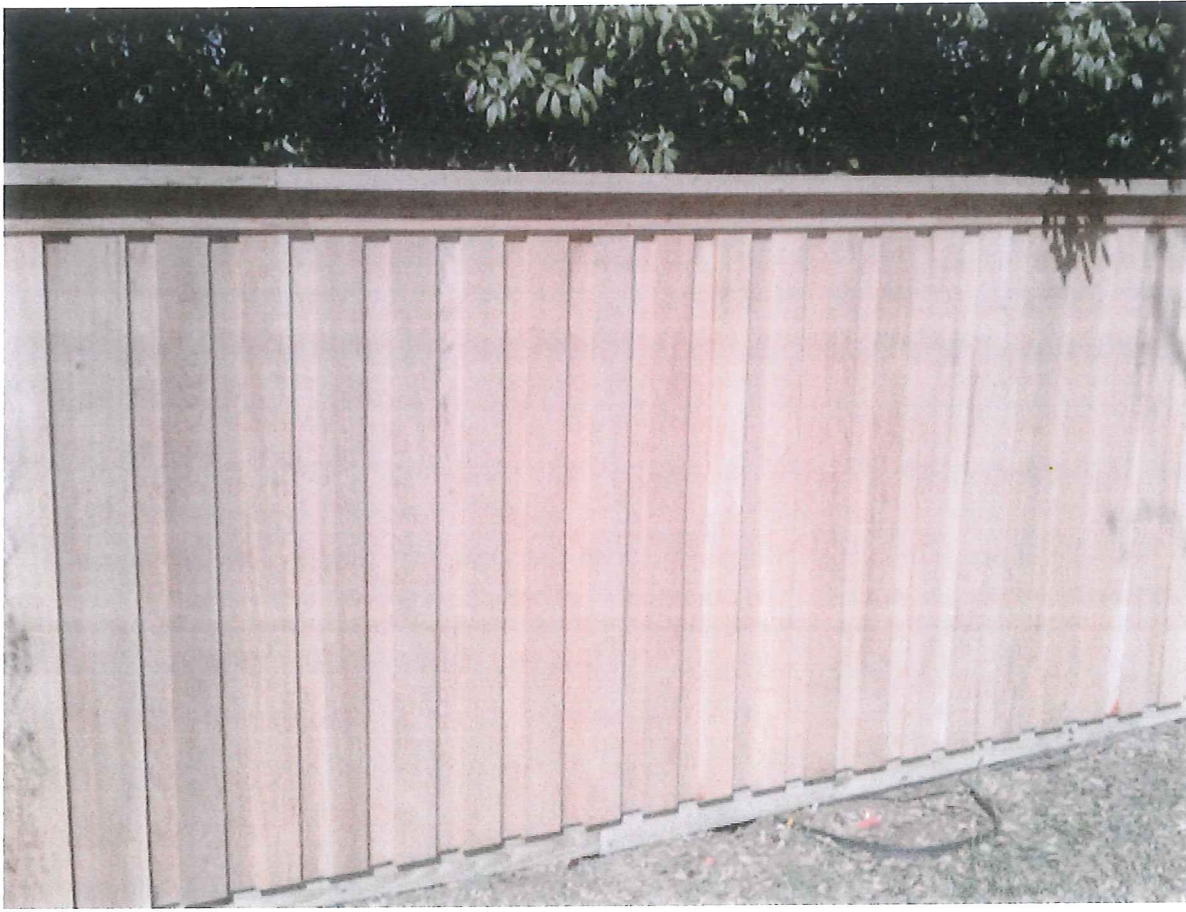
DATE RECEIVED: 5.12.14 HEARING DATE: 01/6 7.21

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____



View from Inside

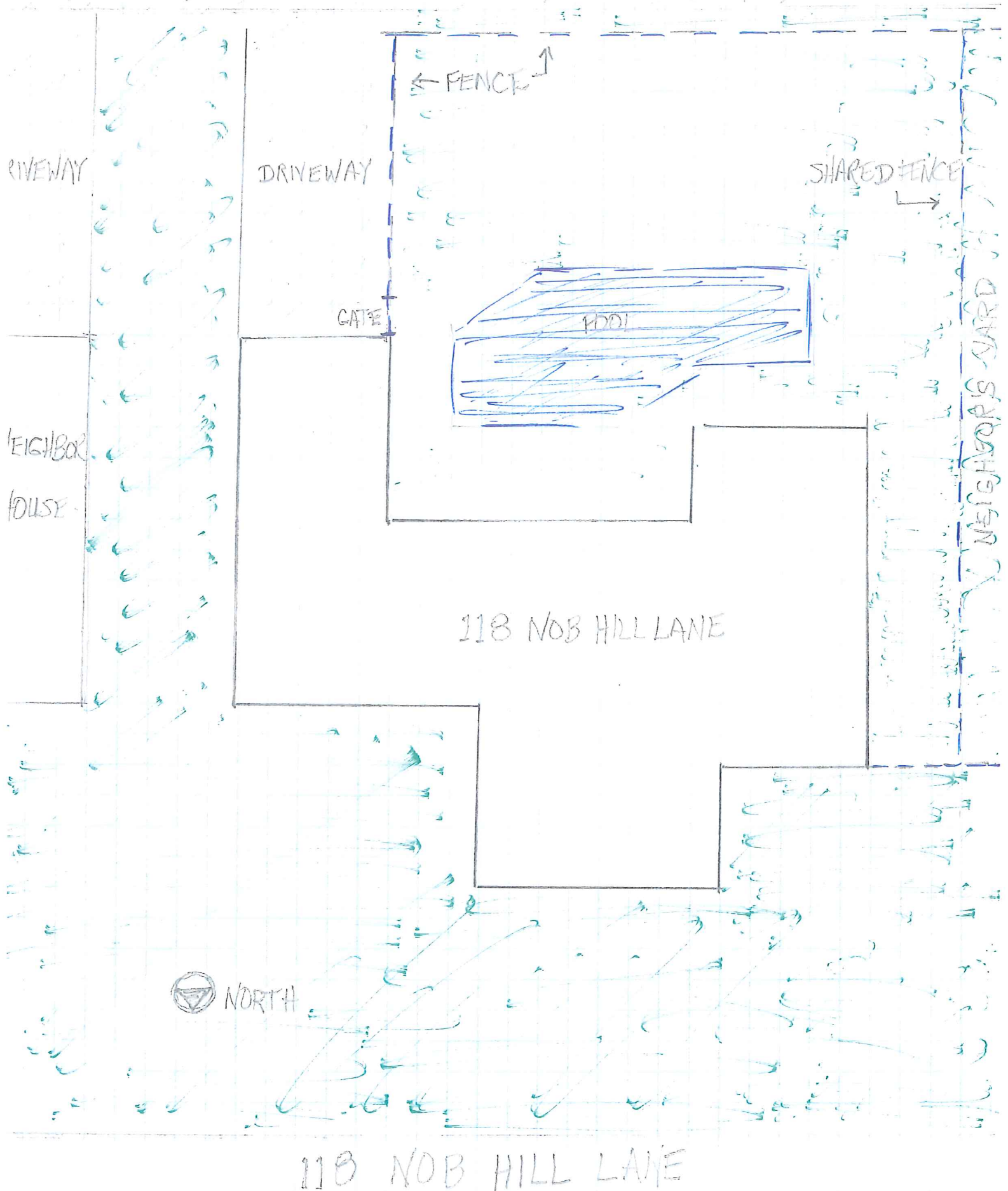


Poles + rails on the outside.

Safety boards / anti climb boards will be installed by fence builder to secure yard which has a pool.

BOA 201314.009

BACK ALLEY







**City of OVILLA Board of Adjustment
Findings of Fact for SPECIAL EXCEPTION**

Applicant: Robert & Lynn Halowec
Address: 118 Nob Hill Ln.

Case Number: BOA 201314.009

Upon giving public notice and conducting a public hearing on this **SPECIAL EXCEPTION** request in accordance with Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and		
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and		
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.		

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

BOA Members present, and upon a record vote of:

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

TOTALS:

**FOR
AGAINST
ABSTAIN**

The variance is hereby:

_____ **granted**

_____ **denied**

Presiding Officer of BOA

DATE

Attest: _____
Board Secretary

DATE



DATE: July 21, 2014

CASE: BOA 201314.009

APPLICANT: ROBERT & LYNN HALOWEC

The Ovilla Board of Board of Adjustment met on this date: 7.21.14 to hear your request for a SPECIAL EXCEPTION from the Ovilla Comprehensive Zoning Ordinance.

The Board of Adjustment's final disposition of your appeal application was denied.

No appeal or application that has been denied shall be further considered by the Board under a subsequent request obtained by filing new plans and obtaining of a new decision from the administrative official unless:

1. The new plans materially change the nature of the request; or
2. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board, so as to support an allegation of changed actions.

Any party or individual that disagrees with a decision of the Board of Adjustment must appeal such decision to a State District Court or court of record, as the City Council of the City of Ovilla has no review authority over the decisions of the Board.

Any person or persons, or any Board of Adjustment Member, taxpayer, department, commission or agency of the city aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record a petition duly certified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the decision complained of in the office of the Board of Adjustment and not hereafter. The petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the Board of Adjustment.

APPLICANT'S SIGNATURE ACKNOWLEDGING RECEIPT OF A COPY OF THIS FORM:

Applicant

BOARD OF ADJUSTMENT

AGENDA ITEM NO: 4

July 21, 2014

ITEM 4. **BOA201314.010 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.7 OTHER ACCESSORY BUILDINGS filed by Mr. Foster for a residential variance to construct a large building on his property at 1908 Duncanville Rd.

DISCUSSION/ACTION – Consideration of requested **Variance** filed by Mr. Tom Foster.

APPLICANT:	Tom Foster
LOCATION:	1908 Duncanville Rd
ZONING:	RC Residential
NOTICES:	One public notice listed in the Waxahachie Daily Light; 13 certified letters mailed. City has received 0 oppositions.

APPLICANT'S PROPOSAL:

Applicant requests to construct a large accessory building.

DISCUSSION:

The Ovilla Code of Ordinances, Chapter 14, Section 30.7, OTHER ACCESSORY BUILDINGS states:

If property is at least 10.0 Acres; total square footage of all accessory buildings can be 1.5% of lot size or 6,650 feet, whichever is larger, but with a total square footage combined not to exceed 8,000 feet with no single building greater than 4,000 feet.

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 TOM FOSTER, TO BUILD A LARGE BUILDING ON HIS PROPERTY LOCATED AT 1908 DUNCANVILLE RD, AS PRESENTED IN BOA201314.010."

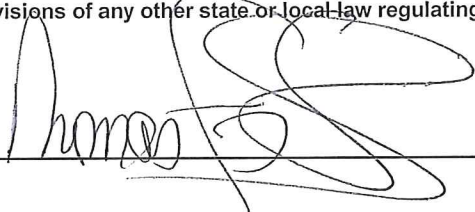
Residential Building Permit Application

Building Permit Number: 4552		Valuation: \$100,000.00	
		Valuation w/land: _____	
Project Address: 1908 DUNCANVILLE RD			
Lot: _____	Block: _____	Subdivision: _____	
Project Description: NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____			
RE-INSPECTION/ADDITIONAL INSP <input type="checkbox"/> FLATWORK <input type="checkbox"/> SPRINKLER <input type="checkbox"/>			
SWIMMING POOL <input type="checkbox"/> ACCESSORY BUILDING <input type="checkbox"/> FENCE <input type="checkbox"/>			
Proposed Use: 162' X 72' METAL & FABRIC W/ELECTRIC AND PLUMBING			
Description of Work: _____			
Area Square Feet: _____		Covered Porch: _____	
Living: _____	Garage: _____	Total: _____	Number of stories: _____

Name: TOM FOSTER	Contact Person: _____
Address: _____	
Phone Number: 214-668-4324	Home Number: _____ Mobile Number: _____

General Contractor	Contact Person	Phone Number	Contractor License Number
CLEARSPAN	CINDY BRINKMAN	563-875-2288	
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant:  Date: ~~7/1/14~~ **7/1/14**

OFFICE USE ONLY:

Approved by: _____	Date approved: _____	
--------------------	----------------------	--

Plan Review Fee: _____	Receipt # _____	Total Fees: _____
Building Permit Fee: _____	Receipt # _____	Issued Date: _____
Park Impact Fee: _____		Expires: _____
Capital Recovery Fee: _____		Issued By: _____
Fire Meter: _____		
Water Meter Cost: _____		
Water Impact: _____		
Sewer Connection Fee: _____		BV Project # _____
Sewer Impact: _____		
Fire Fee: _____		

Denied - size of accessory square footage not allowed.

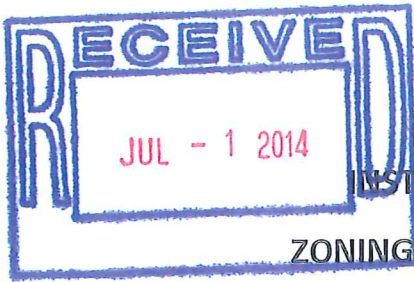
CHAPTER 14

ZONING

30.7 OTHER ACCESSORY BUILDINGS.

Table 30.A Number and Size of Accessory Buildings

Lot Size	Number of Accessory Buildings Permitted	Total Square Footage of All Accessory Buildings
At least 10.0 Acres	6	1.5% of lot size or 6,650 feet, whichever is larger, but with a total square footage combined not to exceed 8,000 feet, with no single building greater than 4,000 feet



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 201314.010



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.

Yes, Agriculture use - City of Ovilla Water or Pump Station. See pictures - use of the Andon riding arena and stalls will enhance the property and help use to use the property wisely w/o doing injury to the neighborhood.

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.

Horses and barns are all around us. We have a large acreage of 10 acres. The large water tank and pump station are right there. It will only add to the environment.

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

Andon Riding arena and stalls

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

We could exercise, train and ride the horses in all kind of weather and all at the same time w/ plenty of room

BOA 201314.010



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.

*Neighbors to the east of the proposal are in harmony w/this project. So are the ones to the south and north.
The project will fit into the neighborhood.*

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.

As we all around us. Other areas & farms are in the district.

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 201314.010



Case No. BOA 201314.010

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. See Attached

Property Address 1908 Duncanville Rd

Block No. See Attached

Ovilla TR 75154

Zoning R1

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

We are seeking to build a riding arena that is indoor and also a barn for stalls and tack and feed storage. The proposed indoor arena will add to the district as it is done in a very nice way. We will show the material which it is made of and the construction plans. We are asking for more square footage to be allowed for the arena to accommodate the 4 horses that we have along with a barn w/ stalls, tack and feed room and an office. It will enhance the district and help us make use of our horses all year. The indoor arena will cause the temp to be 20° cooler in the summer and 20° warmer in the winter. Thank you for this consideration.

Has a previously appeal been filed on this property?

YES ☒ NO

If YES, when was the previous appeal filed? _____



• Case No. BOA 201314.010

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 Thomas Foster

Mailing Address 1908 Duncanville Rd
Ovillo TX 75154

Telephone (Hm) 214-668-4324

Telephone (Wk) 214-335-5209

Email _____

Thomas Foster

Applicant's signature

11/14

Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: 7.1.14

• Case No. BOA 201314.010

OFFICE USE ONLY

DATE RECEIVED: 7/1/14 HEARING DATE: 8/18/14

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____





City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: Tom FOSTER
Address: 1908 DUNCAVILLE RD.

Case Number: BOA 201314.010

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
Member Jamie Hilburn			
Vice-Chair Barbara Betik			
Member Stephanie Albright			
Member Patricia Rarick			
Member Richard Ware			
Alt. Member Jeanne Ham			
Alt. Member Carol Richtsmeier			

TOTALS:

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

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

Board Secretary



DATE: JULY 21, 2014

CASE: BOA 2013 14. 010

APPLICANT: TOM FOSTER

The Ovilla Board of Board of Adjustment met on this date: 7.21.14 to hear your request for a VARIANCE from the Ovilla Comprehensive Zoning Ordinance.

The Board of Adjustment's final disposition of your appeal application was denied.

No appeal or application that has been denied shall be further considered by the Board under a subsequent request obtained by filing new plans and obtaining of a new decision from the administrative official unless:

1. The new plans materially change the nature of the request; or
2. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board, so as to support an allegation of changed actions.

Any party or individual that disagrees with a decision of the Board of Adjustment must appeal such decision to a State District Court or court of record, as the City Council of the City of Ovilla has no review authority over the decisions of the Board.

Any person or persons, or any Board of Adjustment Member, taxpayer, department, commission or agency of the city aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record a petition duly certified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the decision complained of in the office of the Board of Adjustment and not hereafter. The petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the Board of Adjustment.

APPLICANT'S SIGNATURE ACKNOWLEDGING RECEIPT OF A COPY OF THIS FORM:

Applicant