



AGENDA
Zoning Board of Adjustment Meeting
105 S. Cockrell Hill Road, Ovilla, Texas 75154
November 21, 2016

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, November 21, 2016 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

Oath of Office will be conducted for new appointee to the Zoning Board of Adjustment, Ozzie Molina, Place 2

Consent Items

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 during this meeting.

- Minutes of the October 17, 2016 BOA Meeting

Individual Consideration

ITEM 1. **BOA201617.01 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6 NUMBER AND SIZE OF ACCESSORY BUILDINGS, filed by MS. Dana Watkins for a variance to construct a residential accessory building over allowed feet on her property located at 616 Georgetown Rd.

DISCUSSION/ACTION – Consideration of and action on requested **Variance** filed by Ms. Dana Watkins.

ITEM 2. **BOA201617.02 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by MS. Judy Williams for a special exception to construct a fence to the building line on her property located at 1930 Duncanville Rd.

DISCUSSION/ACTION – Consideration of and action on requested **Special Exception** filed by Ms. Judy Williams.

ITEM 3. **DISCUSSION/ACTION – Consideration of any item(s)** pulled from the Consent Agenda above for individual consideration and action.

Carol Richtsmeier, Chair, PL1
Vacant, PL2
Barbara Betik, PL3
Sandra Cawley, PL4



Richard Ware, Jr. Vice Chair, PL5
ALT- Ozzie Molina, PL6
ALT- Stephanie Heimbuch, PL7
Mike Dooly, Code Enforcement

AGENDA

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 **November 21, 2016 @ 7:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on this 18th day of November 2016, prior to 5:00 p.m.



Glennell Miller
Board Secretary



DATE OF POSTING: 11-18-2016 **TIME:** 3:30 **am/pm**
DATE TAKEN DOWN: _____ **TIME:** _____ **am/pm**

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

CITY OF OVILLA MINUTES
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Chair Barbara Betik called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:02 p.m. with the following BOA members present, thus constituting a quorum:

Barbara Betik	Chair
Sandra Cawley	Board Member
Carol Richtsmeier	Board Member
Richard Ware	Board Member
John Knight	Board Member
Ozzie Molina	Board Member – Alt.

Absent: Stephanie Heimbuch – Alt. Board Member

Code Enforcement Officer Mike Dooly was present.

Vice Chair Ware called roll of members present, thus declaring a quorum. The Pledge of Allegiance was led at this time. 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 September 19, 2016 BOA Meeting

PL1 Richtsmeier made the motion that the BOA approve the consent item with noted corrections to be made.

PL2 Knight seconded the motion.

VOTE: The motion carried 5-0

PL7 Stephanie Heimbuch was noted absent.

- **AT THIS TIME CHAIR BETIK CHANGED THE ORDER OF AGENDA**

ITEM 3. **BOA201516.12 – PUBLIC HEARING/DISCUSSION** of an appeal to the Ovilla Code of Ordinances Chapter 14 Section 35.3 **FENCES IN RESIDENTIAL DISTRICTS** filed by Mr. Mohomad Soueid for special exception to construct a fence with posts/rails on the outside on his property located at 121 Robin Glen Ln.

DISCUSSION/ACTION – Consideration of and action on requested Special Exception filed by Mr. Mohomad Soueid.

Motion was made by PL2 Knight to remove Item 3 from the Table

Motion to Second: PL1 Richtsmeier.

Motion carried with 5-0 Vote.

Carol Richtsmeier, BOA PL1
Chair Barbara Betik, BOA PL3
Vice Chair Richard Ware, BOA PL5
Stephanie Heimbuch, BOA PL7 (Alternate)

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John Knight, BOA PL2
Sandra Cawley, BOA PL4
Ozzie Molina, BOA PL6 (Alternate)
Mike Dooly, Code Enforcement

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PUBLIC HEARING

ITEM 3. BOA201516.12 - 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. Mohomad Soueid for a special exception to construct a fence with posts/rails on the outside of his property located at 121 Robin Glen Ln.

Chair Betik read aloud the captioned request and opened the Public Hearing at 7:10 p.m. (Testimony that followed was under proper oath; City Representative)

Code Enforcement Officer Mike Dooly shared with the Board a brief explanation that the fence was being constructed against the City's Ordinance, with posts/rails on the outside and the smooth side facing the applicant's yard. He instructed the applicant that he would need to cease construction on the fence until a Special Exception could be filed and presented to the Board of Adjustment. Only then could a decision be made on the completion of his fence.

(Testimony that followed was under proper oath; Applicant's representative)

Applicant shared pictures of his fence with the Board and explained that the existing fence was deteriorating, and while replacing the fence he did not remove any of the metal posts, he just replaced the wood planks and railing. He stated that while in this process he was red tagged & he stopped construction immediately. He stated that he does not care for the look of the fence railing & posts being inside his property, and does not seem right that the neighbors all along his alley/street have theirs facing smooth side in.

(Chair Betik asked that those speaking in support of the request to please step to the podium:)

Jeff Westlund – 119 Robin Glen Ln. – (next door neighbor) The applicant's poles and rails face his property & he is fine with it being left that way. He wanted to make sure the board knew how nice the applicant's fence is and that over 50 % of the other neighbors have their rails on the outside of their property.

John Knight – 114 Nob Hill – Stated he has no opposition, and added the fence is beautiful aesthetically, and said there are 15 fences along that street, 10 of them had the poles and the rails on the outside of their property. He then stated there is no motivation on his part to allow other than it being the right thing to do. (At this time, Code Enforcement Mike Dooly explained to Mr. Knight that he was not allowed to speak on the appeal at all, since he was a member with the Board of Adjustment. Mr. Knight then decided to resign his position as a BOA member, in order to speak for his neighbor)

(Chair Betik asked that those speaking in opposition of the request to please step to the podium:)

Mike Myers – 115 Hummingbird Ln. – President of the HOA for Ashburne Glen and let the Board know that members are to follow the rules set up by each HOA and City Code. He stated that the applicant failed to get a permit and follow the HOA guidelines, and that because the applicant did not know, it is not an excuse. He went on to ask on behalf of the HOA, that the BOA deny

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this special exception. He continued by saying if it was approved, in his opinion, the BOA needed to speak to City Council regarding the Code, and be retrained.

(Rebuttal or Final Comments:)

The applicant did return for comments, and explained he did not like how the board and Mr. Myers continued to mispronounce his name. He was offended. Again reiterated that the neighbor's fences had the same look, and felt like he was being picked on.

Vice Chair Ware did speak out on the comment being made from applicant about mispronunciation of his name. He asked the applicant how he would like to be addressed and apologized on behalf of the board. Chair Betik closed the Public Hearing at 7:50 pm.

INDIVIDUAL CONSIDERATION

DISCUSSION/ACTION – Consideration of requested *Special Exception* filed by Mr. Mohomad Soueid.

The Board was trying to determine if adding in a stipulation to the request of the special exception would be helpful for the applicant. After much discussion, the Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a negative outcome.

Vice Chair Ware moved that the BOA DENY the special exception to Mohomad Soueid at 121 Robin Glen Ln. for a fence to be construction with poles and rails on the outside of the property as presented in BOA201516.12.

PL4 Cawley seconded the motion.

Record vote was called and asked to state AYE for agreement in the DENIAL of the fence, and to state NAY if do not agree with the DENIAL:

Record Vote:

RICHTSMEIER	<u>NAY</u>
BETIK	<u>AYE</u>
CAWLEY	<u>AYE</u>
WARE	<u>AYE</u>
MOLINA	<u>NO VOTE (ALT)</u>
KNIGHT	<u>RECUSED HIMSELF (NEIGHBOR WITHIN 200 FT)</u>
HEIMBUCH	<u>ABSENT</u>

VOTE: The motion to APPROVE DENIAL carried 3-1.

PL7 Heimbuch was noted absent.

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Tabled Items from the August & September 2016, Regular BOA Meeting:

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

Motion was made by PL1 Richtsmeier to remove Item 1 from the Table.

Motion to Second: Vice Chair Ware.

Motion carried with 5-0 Vote.

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

Chair Betik opened the floor for board members to announce nominations. At this time, PL6 Ozzie Molina - Alternate, was asked to fill in for resigned member John Knight PL2. Names were put forward to discuss: Carol Richtsmeier, PL1 and Barbara Betik, Chair were given as possible nominations.

PL3 Betik made the motion that the Board appoints Carol Richtsmeier as Chair to the Ovilla Zoning Board of Adjustment.

Vice Chair Ware seconded the motion.

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

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

Motion was made by Vice Chair Ware to remove Item 2 from the Table.

Motion to Second: PL6 Molina

Motion carried with 5-0 Vote.

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

PL3 Betik opened the floor for board members to announce nominations. Names were put forward to discuss: Vice Chair Ware's name was given as possible nomination.

PL3 Betik made the motion that the Commission appoints Richard Ware as Vice Chair to the Ovilla Zoning Board of Adjustment.

Chair Richtsmeier seconded the motion.

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

Carol Richtsmeier, BOA PL1
Chair Barbara Betik, BOA PL3
Vice Chair Richard Ware, BOA PL5
Stephanie Heimbuch, BOA PL7 (Alternate)

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John Knight, BOA PL2
Sandra Cawley, BOA PL4
Ozzie Molina, BOA PL6 (Alternate)
Mike Dooly, Code Enforcement

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Zoning Board of Adjustments Requests for Future Items

N/A

Adjournment There being no further business, PL3 Barbara Betik adjourned the meeting at 7:50 p.m.

Barbara Betik, Chair

ATTEST:

Glennell Miller, Board Secretary

Approved on November 21, 2016

Carol Richtsmeier, BOA PL1
Chair Barbara Betik, BOA PL3
Vice Chair Richard Ware, BOA PL5
Stephanie Heimbuch, BOA PL7 (Alternate)

John Knight, BOA PL2
Sandra Cawley, BOA PL4
Ozzie Molina, BOA PL6 (Alternate)
Mike Dooly, Code Enforcement



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

**Applicant: MOHOMAD SOUEID
Address: 121 ROBIN GLEN LN.**

Case Number: BOA201516.12

Upon giving public notice and conducting a public hearing on this **SPECIAL EXCEPTION** request in accordance with Chapter 14, Section 35.3 Fences in Residential Districts of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

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

BOA Members present, and upon a record vote **TO DENY SPECIAL EXCEPTION**

FOR AGAINST ABSTAIN

	FOR	AGAINST	ABSTAIN
Member Carol Richtsmeier		NAY	
Chair Barbara Betik	AYE		
Member John Knight			
Member Sandra Cawley	AYE		
Vice Chair Richard Ware	AYE		
Alt. Member Ozzie Molina			
Alt. Member Stephanie Heimbuch			

TOTALS:

<u>3</u>	FOR
<u>1</u>	AGAINST
<u>0</u>	ABSTAIN

The special exception is hereby:

_____ granted ✓ _____ denied

Presiding Officer of BOA

DATE

Attest:

City or Board Secretary

DATE



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 1

Meeting Date: November 21, 2016

Attachments:

1. Permit Application
2. Survey
3. Variance Application
4. Findings of Fact

Agenda Item / Topic:

ITEM 1. **BOA201617.01 – Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 30.6 NUMBER AND SIZE OF ACCESSORY BUILDINGS, filed by MS. Dana Watkins for a variance to construct a residential accessory building over allowed amount on her property located at 616 Georgetown Rd.

DISCUSSION/ACTION – Consideration of requested Variance filed by MS. Dana Watkins.

Discussion / Justification:

APPLICANT: Dana Watkins
LOCATION: 616 Georgetown Rd.
ZONING: RE Residential

Applicant’s Proposal: Applicant requests to construct an accessory building that the square footage is 45.75 feet over the allowed amount per ordinance.

Discussion:

The Ovilla Code of Ordinances, Chapter 14, Section 30.6, states:

Number and Size of Accessory Building The maximum number of accessory buildings and total square footage of all residential accessory buildings permitted on a lot is shown in 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 0.05 Acres, but less than 1.0 Acres	2	3.0% of lot size or 700 feet, whichever is larger, but with a total square footage combined not to exceed 1,100 feet.

BOARD DISCUSSION: The Board is allowed to grant a **variance** under certain circumstances & after review of the *Findings of Fact* form.

NOTICES: One public notice listed in the Waxahachie Daily Light; 10 certified and regular letters mailed. There has been one response in favor.

N/A

Sample Motion(s):

“I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE VARIANCE TO DANA WATKINS AT 616 GEORGETOWN RD., TO CONSTRUCT HER ACCESSORY BUILDING LARGER THAN THE ALLOWED AMOUNT PER SQUARE FOOTAGE, ON HER PROPERTY, AS PRESENTED IN BOA201617.01”

Residential Building Permit Application

Building Permit Number: <u>5337</u>		Valuation: _____	
Project Address: <u>1111 Georgetown Rd</u>		Valuation w/land: _____	
Lot: <u>9</u>	Subdivision: <u>B Westmoreland Estates</u>		
Project Description:	NEW SFR <input type="checkbox"/>	SFR REMODEL/ADDITION <input type="checkbox"/>	SPECIFY OTHER: _____
	PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/>	SPRINKLER <input type="checkbox"/>
	SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input checked="" type="checkbox"/>	FENCE <input type="checkbox"/>
Proposed Use: <u>Storage</u>			
Description of Work: <u>placement of pre built storage building</u>			
Area Square Feet:	Covered _____	Porch: _____	Total: _____
Living: _____	Garage: _____		Number of stories: _____

Name: <u>Dana Watkins</u>	Contact Person: <u>Dana Watkins</u>
Address: <u>1111 Georgetown Rd</u>	
Phone Number: <u>972 921 5725</u>	Home Number: <u>Same</u> Mobile Number: <u>Same</u>

Contractor Type	Contact Person	Phone Number	Contractor License Number
<u>General Contractor</u>	<u>Dana Watkins</u>	<u>972 921 5725</u>	
<u>Mechanical Contractor</u>			
<u>Electrical Contractor</u>			
<u>Plumber/Irrigator</u>			

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: D Watkins Date: 9/17/16

OFFICE USE ONLY:

Approved by:	Date approved:
City Manager:	Date approved:

Plan Review Fee: _____	Receipt # _____	Total Fees: _____
Building Permit Fee: _____	Receipt # _____	Issued Date: _____
Park Impact Fee: _____		Expires: <u>180 Days</u>
Capital Recovery Fee: _____	<u>Denied - over sq footage</u>	Issued By: _____
Fire Meter: _____	<u>Allowed</u>	
Water Meter Cost: _____		
Water Impact: _____		
Sewer Connection Fee: _____		BV Project # _____
Sewer Impact: _____		
Fire Fee: _____		

BUILDING PERMIT

CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.

PERMIT NO.

No. 5337

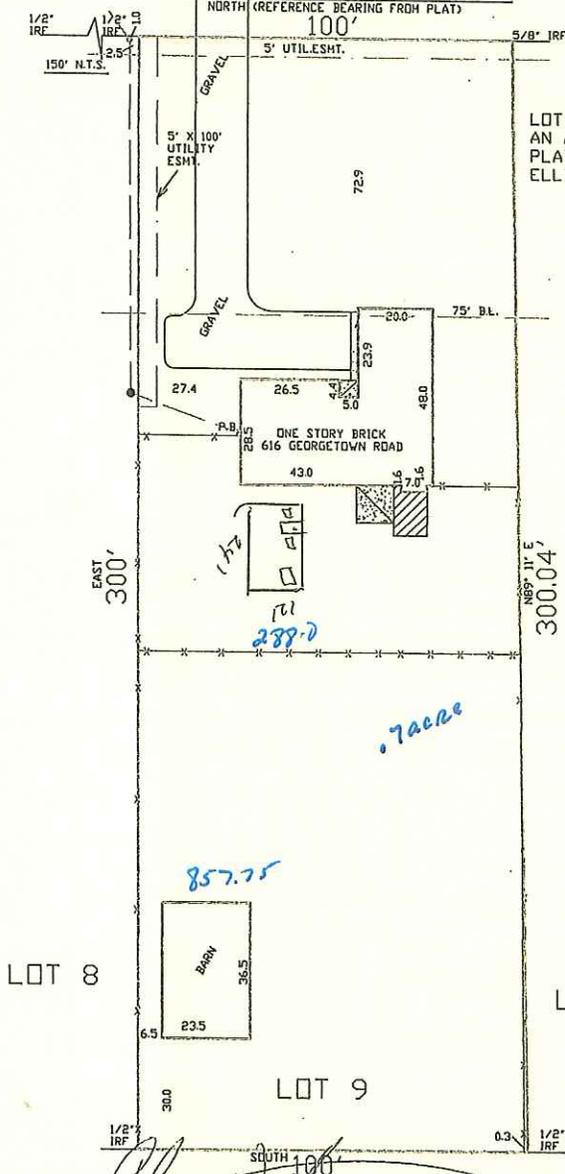
Location	616 GERRITSON
Description	STORAGE SHED
Owner	WATKINS
Date	10/11/2014

This Permit To Be Posted In Conspicuous Place On Site
Building Inspector _____

SURVEY PLAT

COPYRIGHT © DATE 01/02/2013

GEORGETOWN ROAD



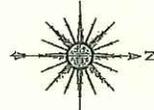
LOT 9, BLOCK B, WESTMORELAND ROAD ESTATES NO.2, AN ADDITION TO ELLIS COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN CABINET A, SLIDE 574, PLAT RECORDS, ELLIS COUNTY, TEXAS.

ACCEPTED BY:

Chris Watkins

LEGEND

	POWER POLE		FENCE
	WOOD DECK		B.L. BUILDING LINE
	CONCRETE		ESMT. EASEMENT LINE
	GRAVEL		IRF IRON ROD FOUND
	BRICK		IRS IRON ROD SET
	ASPHALT		P.V.L. POWER LINE
	STONE		P.B. POWER BOX
	AIR CONDITIONER		R.O.W. RIGHT OF WAY
	COLUMN		TRANSFORMER & PAD
	COVERED AREA		UTIL. UTILITY
	FIRE HYDRANT		GAS METER
	CABLE BOX		WATER METER
	PROPERTY LINE		BUILDINGS



NOTES

NOTE: THE FOLLOWING EASEMENTS DO NOT TO MY KNOWLEDGE AND BELIEF AFFECT THIS PROPERTY. VOL.332, PG.432 AND VOL.584, PG.957; D.R.E.C.T.

NOTE: THE FOLLOWING PROPERTY IS SUBJECT TO AN EASEMENT RECORDED IN VOL.649, PG.673; D.R.E.C.T.

I, Jimlyn D. Woodard, Registered Professional Land Surveyor of the State of Texas, do certify that this Survey Plat is a representation of the property shown hereon as determined by a survey on the ground. The lines and dimensions of said property being as indicated by the plat; the size, location and type of above ground improvements are as shown. Corner monuments are as shown on survey. EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

This survey makes no judgments as to the ownership of the property, only that the property exist on the ground as shown and surveyed from a description provided to the surveyor.

This Survey was performed exclusively for the parties shown hereon and is licensed for a single use. This Survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work protected by United States Copyright Law and International Treaties. All rights reserved. Do not make illegal copies.

Jimlyn D. Woodard

Jimlyn D. Woodard RPLS #5398



THIS SURVEY VALID WITH EMBOSSED SEAL ON

JIMMY W. POGUE, INC.

"Registered Professional Land Surveyors"

3510 Marvin D. Love Freeway (214) 371-0666 Voice
Dallas, Texas 75224 (214) 371-9900 Fax

Jimmy W. Pogue R.P.L.S. 1722

Website: www.jimmywogue.com

Email: www.kstuar@jimmywogue.com

Job Number: 71990

Date: 01/02/2013

G.F. Number: WX388

Title Company: PROVIDENCE

Certified to: CHRIS WATKINS

Drawn by: JS

"A professional company operating in your best interest"

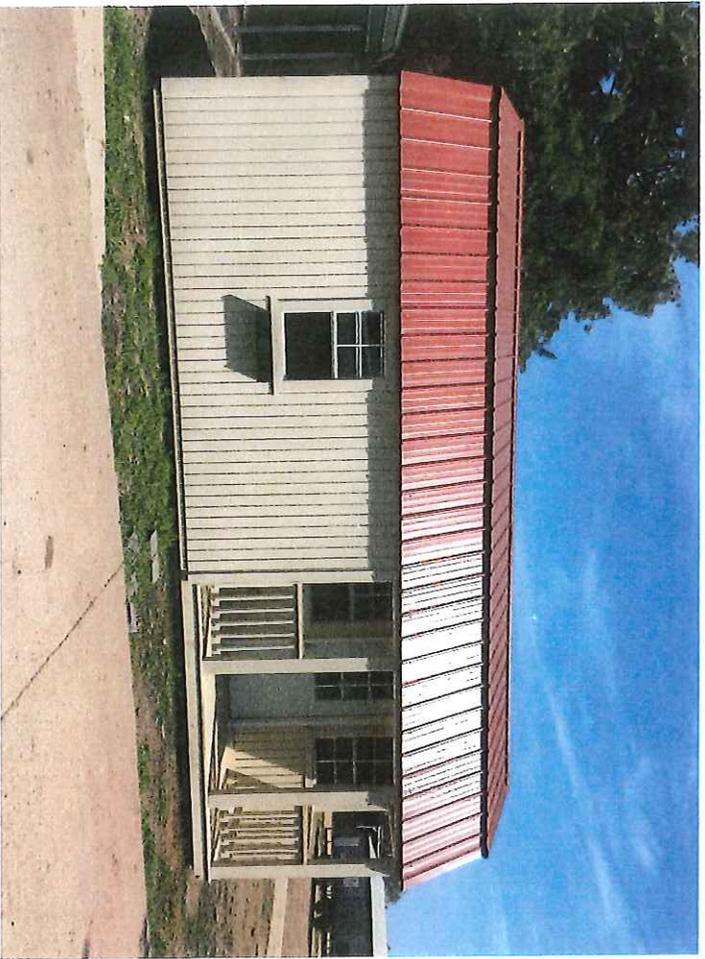
BOA201617.01

Red-metal roof
Navajo white - siding

3 windows
1 door

plywood floors

24'



12'

CHAPTER 14

ZONING

30.6 NUMBER AND SIZE OF ACCESSORY BUILDINGS.

The maximum number of accessory buildings and total square footage of all residential accessory buildings permitted on a lot is shown in Table 30.A Number and Size of 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 0.05 Acres, but less than 1.0 Acres	2	3.0% of lot size or 700 feet, whichever is larger, but with a total square footage combined not to exceed 1,100 feet.



Case No. BOA 201617.01

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. 9 block B

Property Address 6116 Georgetown Rd

Block No. B

Duval, TX 75154

Zoning RE

The Applicant, Dana Watkins, of Ellis County, requested that the Ovilla Zoning Board of Adjustment grant the following variance to Article _____, Chapter 14, Section 30.7 of the Ovilla Zoning Ordinance. Please state in detail what type of variance you are seeking, attach additional sheets if necessary.

I would like to regain use of my garage that is currently being used as storage. Recent vandalism of cars and colder temperatures are influencing my decision. Allowing me to place a storage building on my property would protect my cars and family.

Has a previously appeal been filed on this property?

YES NO

If YES, when was the previous appeal filed? _____



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 201617. 01



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.

Barn was a preexisting structure on the property when we bought the house & property.

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

Both the neighbors to the north and south of my residence have accessory buildings.

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

Yes, the barn was on the property when we bought the house.

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

Yes



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

No because there are storage buildings in my
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.

Storage buildings are allowed in the city

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

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

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

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

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



• Case No. BOA201617 .01

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 Dana Watkins

Mailing Address 666 Georgetown Rd

Ovilla TX 75154

Telephone (Hm) 972-921-5725

Telephone (Wk) _____

Email lula.roe.dana@gmail.com

Dana Watkins
Applicant's signature

10/11/16
Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON



DATE: OCTOBER 11, 2016

• Case No. BOA201617.01

OFFICE USE ONLY

DATE RECEIVED: 10/11/16 HEARING DATE: 11/21/2016

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____



November 14,2016

City of Ovilla
Board of Adjustment
305 S. Cockrell Hill Rd
Ovilla, Tx 75154

RE: BOA-201617.01
616 Georgetown Rd.

Dear Board Of Adjustment Members,

As a property owner next to the Watkins, I would like to endorse the building requested and that there is no concern on my part in relation to your approval for this variance.

Thank you,

A handwritten signature in black ink, appearing to read "G. Philip Oakes". The signature is written in a cursive style with a large initial "G" and "P".

G. Philip Oakes
612 Georgetown Rd.
Ovilla, Tx 75154
214-226-3782



City of OVILLA Board of Adjustment Findings of Fact for VARIANCE

Applicant: DANA WATKINS
Address: 616 GEORGETOWN RD.

Case Number: BOA201617.01

Upon giving public notice and conducting a public hearing on this **VARIANCE** request in accordance with Chapter 14, Section 30.6 of the Ovilla Code of Ordinances, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That special circumstances or conditions exist which are peculiar to the property, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.		
2. That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance.		
3. That the special conditions and circumstances do not result from the action of the applicant.		
4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and		
5. The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.		

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
Chair Carol Richtsmeier			
Member Barbara Betik			
Member Sandra Cawley			
Vice-Chair Richard Ware			
Member Ozzie Molina			
Alt. Member Stephanie Heimbuch			

TOTALS:
 ___ **FOR**
 ___ **AGAINST**
 ___ **ABSTAIN**

The variance is hereby: _____ granted _____ denied

Presiding Officer of BOA

Date

Board Secretary



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT Item: 2

DISCUSSION & ACTION

Meeting Date: November 21, 2016

Attachments:

1. Permit Application
2. Survey
3. Special Exception Application
4. Findings of Fact

Agenda Item / Topic:

ITEM 2. BOA201617.02 - Public Hearing and Discussion of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS, filed by MS. Judy Williams for a special exception to construct a fence to the building line on her property located at 1930 Duncanville Rd.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Ms. Judy Williams.

Discussion / Justification:

APPLICANT: Judy Williams
LOCATION: 1430 Duncanville Rd.
ZONING: RC Residential

Applicant’s Proposal: Applicant requests to construct fence to the building line.

Discussion:

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

(D) Support and Rails. 1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8’) in height. (Ordinance 2010.015 adopted 08/09/10)

BOARD DISCUSSION: The Board is allowed to grant a **special exception** under certain circumstances & after review of the *Findings of Fact* form.

NOTICES: One public notice listed in the Waxahachie Daily Light; 8 certified and regular letters mailed. There have been no responses.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

“I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO JUDY WILLIAMS AT 1930 DUNCANVILLE RD., TO CONSTRUCT HER FENCE TO THE BUILDING LINE, ON HER PROPERTY, AS PRESENTED IN BOA201617.02”

Residential Building Permit Application

Building Permit Number: 5362 Valuation: _____
 Valuation w/land: _____
 Project Address: 1930 Duncanville Rd
 Lot: 2B Subdivision: O.6000AC KINSEY ADDITION
 Project Description: NEW SFR SFR REMODEL/ADDITION SPECIFY OTHER: _____
 PLUMBING/ELECTRICAL FLATWORK SPRINKLER
 SWIMMING POOL ACCESSORY BUILDING FENCE
 Proposed Use: Privacy
 Description of Work: 5' ORNAMENTAL IRON w/ 2-11' gates
 Area Square Feet: _____ Covered _____
 Living: _____ Garage: _____ Porch: _____ Total: _____ Number of stories: _____

Name: JUDY WILLIAMS Contact Person: SAME
 Address: 1930 DUNCANVILLE RD
 Phone Number: 972-291-4884 Home Number _____ Mobile Number: _____

Contractor	Contact Person	Phone Number	Contractor License Number
General Contractor	<u>B+R Tence Co. LLC</u>	<u>Renee Burnard</u>	<u>972 989-1227</u>
Mechanical Contractor			
Electrical Contractor			
Plumber/Irrigator			

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: Judy Williams Date: 10-24-16

OFFICE USE ONLY:

Approved by:	Date approved:
City Manager:	Date approved:

Plan Review Fee: _____ Receipt # _____ Total Fees: _____
 Building Permit Fee: _____ Receipt # _____ Issued Date: _____
 Park Impact Fee: _____ Expires: 180 Days
 Capital Recovery Fee: _____ Issued By: _____
 Fire Meter: _____
 Water Meter Cost: _____
 Water Impact: _____
 Sewer Connection Fee: _____
 Sewer Impact: _____
 Fire Fee: _____

Denied- Fence Placement in front of Building lines special exception required w/o.

BV Project # _____

BUILDING PERMIT

CITY OF OVILLA

P.O. BOX 5047, OVILLA, TEXAS 75154

Application No.

PERMIT NO.

No. 5362

This Permit To Be Posted In Conspicuous Place On Site
Building Inspector _____

Location	1930 DUNCANVILLE ROAD
Description	FENCE/GATE
Owner	JUDY WILLIAMS
Date	11.3.2016

WILLIAM CHARLES SUMMERS, JR.
TO
MATTHEW SHANE SUMMERS
VOLUME 97185, PAGE 1144, OPRDCT

DALLAS COUNTY
ELLIS COUNTY

N89°34'05"E 218.67'
(DEED S89°27'50"E 219.19')

FOUND 1/2"
STEEL ROD

119.50'

SET 1/2"
STEEL ROD

LOT 2B
0.6000 ACRE

S89°34'05"W 218.81'

119.49'

See attached

ROSS M. CARMICHAEL, ET AL
TO
OTHEL FRANKLIN KINGSLEY, ET UX
VOLUME 615, PAGE 62, DIRECT

ROSS M. CARMICHAEL, ET AL
TO
DONALD WAYNE WILLIAMS, ET UX
VOLUME 616, PAGE 548, DIRECT

N0°24'41"E 442.40' (DEED N0°16'E 446.91')

143.95'

SET 1/2"
STEEL ROD

LOT 2A
0.7315 ACRE

ORIGINAL LOT LINE LOT 2
ORIGINAL LOT LINE LOT 1

30' BUILDING LINE

SET 1/2"
STEEL ROD

147.19'

S0°20'32"W 445.64' (DEED S0°16'W 446.46')

DUNCANVILLE ROAD 35' R.O.W. (APPROXIMATELY)

178.95'

LOT 1A
0.9000 ACRE

S89°35'00"E 218.97'

SET 1/2"
STEEL ROD

178.95'

30' BUILDING LINE

SET 1/2"
STEEL ROD

FOUND 1/2"
STEEL ROD N89°35'00"W 171.70'

FOUND 1/2"
STEEL ROD

N89°35'00"W 219.18' (BEARING BASE LINE)

JOHNSON LANE

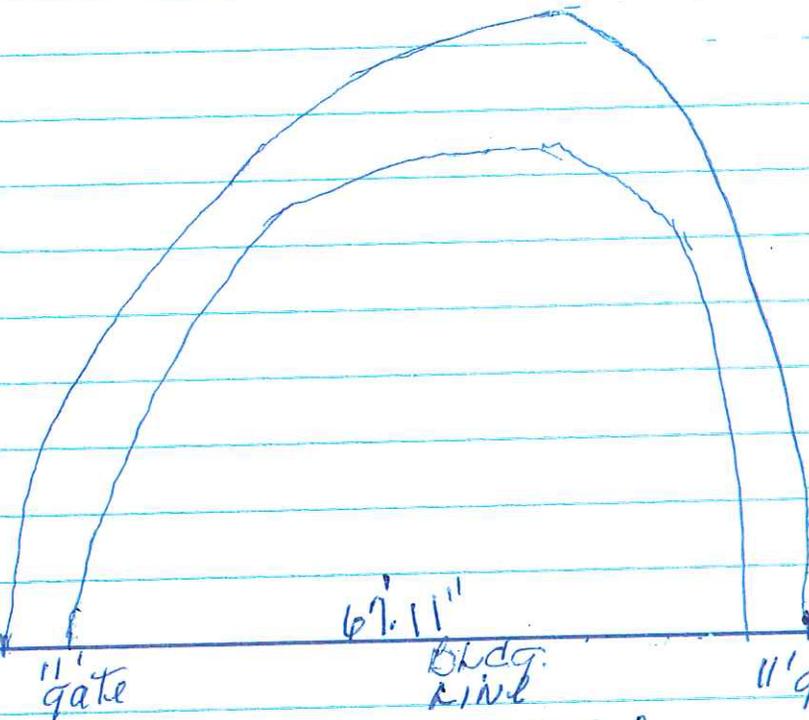
35' R.O.W. (APPROXIMATELY)

Judy Williams
1930 Duncannon Rd.
Omaha, TX 75154

118.818



219.19 ft



119.49 total feet

Road

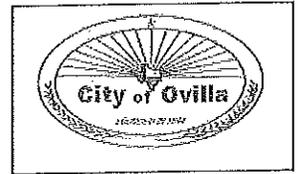
CHAPTER 14

ZONING

35.3 FENCES IN RESIDENTIAL DISTRICTS

D. Support and Rails. 1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR A
SPECIAL EXCEPTION



TO THE OVILLA BOARD OF ADJUSTMENT

ORDINANCE 2010.023

This instruction page is provided for your information and aid in filling out this ***SPECIAL EXCEPTION*** 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 three conditions must be found to exist by the Board of Adjustment in order for a ***SPECIAL EXCEPTION*** request to be granted. They are:

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and
2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and
3. That the ***SPECIAL EXCEPTION*** will be wholly compatible with the used and permitted development of adjacent properties.

Condition 1 requires that if the special exception is granted, it may not be against the public interest. "Public Interest" for ***SPECIAL EXCEPTIONS*** is defined as the well-being of the general public, with specific attention on those members of the public that could be directly affected by the proposed special exception.

Condition 2 requires that the enforcement of a zoning regulation causes an "unnecessary hardship." The hardship must be caused by the property itself, for reasons such as narrowness, shallowness, shape, topography or other physical conditions related to the property. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only, and must relate to the very property for which the ***SPECIAL EXCEPTION*** is sought.

Condition 3 requires that if the Board of Adjustment grants the ***SPECIAL EXCEPTION*** as requested, it will not grant a privilege in conflict with other provisions of the ordinance,

The burden of showing these three conditions is on the applicant/owner. 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 photos, documents, etc submitted will become part of the permanent file of the City of Ovilla.)

All three conditions are required to be met in order for the board of adjustments to grant your special exception. Failure to state how your ***SPECIAL EXCEPTION*** request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.

DATE: 11-3-2016

Case No. BOA201617.02

REQUEST FOR A SPECIAL EXECPTION

To the

OVILLA 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. 2B KINSEY ADDITION Property Address 1930 DUNCANVILLE RD.

Block No. REV 0.6 ACRES OVILLA TX 75154

Property Zoned RC RESIDENTIAL

OWNER OF PROPERTY JUDY WILLIAMS

APPLICANT JUDY WILLIAMS

SPECIAL EXCEPTION BOA201617.02



Case No. BOA 201617-02

The Applicant/Owner, JUDY L. Williams of ELLIS County, requests that the Ovilla Board of Adjustment grant the following **SPECIAL EXCEPTION** to Article _____, Chapter _____, Section _____ of the Ovilla Zoning Ordinance. Please state in detail what type of **SPECIAL EXCEPTION** you are seeking, attach additional sheets if necessary.

I would like to install a 5' ornamental iron fence across the front of my property for security. My neighbors fences are on the property line. I want my property to match my neighbors.

Has a previous appeal been filed on this property?

YES / NO

If YES, when was the previous appeal filed? _____



Case No. BDA 2016/17-02

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

Please state in detail how the conditions necessary for the granting of a **SPECIAL EXCEPTION** have been met in this case. Attach additional sheets if necessary.

CONDITION 1: Requires that the use is specifically permitted under the ordinance and the requirements for such use are met; and

yes

CONDITION 2: Requires that the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

yes

CONDITION 3: Requires that the **SPECIAL EXCEPTION** will be wholly compatible with the used and permitted development of adjacent properties.

yes

*All three conditions are required to be met in order for the Board of Adjustment to grant your **SPECIAL EXCEPTION**. Failure to state how your **SPECIAL EXCEPTION** request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.*



Case No. BOA 201617.02

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 plan ✓
3. Completed all sections of the application ✓

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

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

Respectfully submitted:

Applicant/Owner Name Judy L. Williams
Mailing Address 1930 Duncannell Rd.
Ovella 75154
Telephone (Hm) 972-291-4884
Telephone (Wk) _____
Email JUDYW1366@GMAIL.COM

Judy L. Williams 10-27-16
Applicant's signature Date

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

APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

OFFICE USE ONLY	
DATE RECEIVED: <u>11/3/2016</u>	HEARING DATE: <u>11/21/2016</u>
APPROVED: _____	DENIED: _____
BOA CHAIRMAN SIGNATURE: _____	



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

**Applicant: JUDY WILLIAMS
Address: 1930 DUNCANVILLE RD**

Case Number: BOA201617.02

Upon giving public notice and conducting a public hearing on this **SPECIAL EXCEPTION** request in accordance with Chapter 14, Section 35.3 Fences in Residential Districts of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

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

BOA Members present, and upon a record vote of:

	FOR	AGAINST	ABSTAIN
Chair Carol Richtsmeier			
Member Barbara Betik			
Member Sandra Cawley			
Vice Chair Richard Ware			
Member Ozzie Molina			
Alt. Member Stephanie Heimbuch			

TOTALS:

_____ FOR
 _____ AGAINST
 _____ ABSTAIN

The special exception is hereby:

_____ granted _____ denied

Presiding Officer of BOA

DATE

Attest:

Board Secretary

DATE



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

Item: 3

DISCUSSION & ACTION

Meeting Date: November 21, 2016

Attachments:	
None	
Agenda Item / Topic:	
ITEM 3.	DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.
Discussion / Justification:	
N/A	
Recommendation / Staff Comments:	
N/A	
Sample Motion(s):	
N/A	