

CITY OF OVILLA MINUTES
Monday, July 17, 2023
Board of Adjustment Meeting

Board Secretary Cathy Gaeta called a Regular Meeting of the Ovilla Board of Adjustment to order at 7:00 p.m. The following BOA members present constituting a quorum:

Barbara Betik	PL1 Board Member (Vice-Chair)
Carol Richtsmeier	PL2 Board Member (Chair)
Stephanie Heimbuck	PL3 Board Member
Deborah Kennedy	PL4 Board Member
Brett Johnson	PL6 (Alt) Board Member

Place 5 Lynch and Place 7 Alternate Michael Aguillard were not in attendance.

Board Secretary Cathy Gaeta, City Manager David Henley, and City Secretary Bobbie Jo Taylor were in attendance.

The Pledge of Allegiance was led at this time.

Comments, Presentations, Reports and/or Appointments

Board Secretary Cathy Gaeta issued the Oath of Office and the Statement of Appointed Official to Place 3 Stephanie Heimbuck.

CONSENT ITEMS

C1: Minutes of the April 17, 2023, Zoning Board of Adjustment Meeting

Item C1: Approval of the minutes of April 17, 2023 were pulled to become a discussion item.

Public Hearing

Public Hearing on an appeal of the Ovilla Code of Ordinances, Chapter 14, Section 15.3 "R-E" Single Family Residential District filed by Shannon Shelley for a residential variance to build a single-family residential home on less than one acre for the property located at 211 J J Clayton (TR 3) .0797 ac., Ovilla, TX 75154.

Chair Richtsmeier opened the Public Hearing at 7:20 p.m.

(Testimony provided was under proper oath)

City Secretary Bobbie Jo Taylor presented the Board with facts regarding the requested variance. Ms. Taylor advised that the application is to build a home on a smaller than the current zoning regulation of one (1) acre. Ms. Taylor stated that the legal notices and publication were mailed as per state law and that no comments for or against the proposal had been received by city staff.

Mr. Bruce Shelley provided information to the Board stating that the property was sold to him without property disclosure of the zoning restriction to an acre or more. Mr. Shelley requested that the Board of Adjustment grant a variance to the lot size to allow him to build a home.

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

Ronnie DeFord, 661 Westmoreland, addressed the board in support of the variance.

(Chair Richtsmeier asked if there were any speaking in opposition to the request)

None

(Rebuttal or Final Comments)

None

Chair Richtsmeier closed the Public Hearing at 7:35 p.m.

Individual Consideration

ITEM 1. DISCUSSION/ACTION – Consideration of and action on a requested Variance for a single-family residential home to be built on less than one acre by Shannon Shelley located at 211 J J Clayton (TR 3) .0797 ac., Ovilla, TX 75154.

The Board discussed the Variance for a single-family residential home to be built located at 211 J J Clayton (TR 3) .0797 ac., Ovilla, TX 75154. The Board read the Findings-of-Fact and found that after reviewing the case the criteria set forth by the Finding-of-Fact a Variance favorable.

Vice Chair Betik moved to approve the request for a Variance to be located at 211 J J Clayton (TR 3) .0797 ac., Ovilla, TX 75154. PL 6 Johnson seconded the motion.

Record Vote:

PL1 Betik	<u>AYE</u>
PL2 Richtsmeier	<u>AYE</u>
PL3 Heimbuck	<u>AYE</u>
PL4 Kennedy	<u>AYE</u>
PL6 Johnson	<u>AYE</u>

The motion carried with a unanimous vote of the Board.

ITEM 2. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

The Board addressed errors in the Minutes of April 17, 2023 meeting minutes. City Secretary Bobbie Jo Taylor requested that the Board deny the minutes to allow staff to make the necessary corrections and bring them back to the Board for approval at the next meeting.

PL 3 Heimbuck motioned to deny the April 17, 2023, Zoning Board of Adjustment Minutes. PL 6 Johnson seconded the motion.

The motion carried with a unanimous vote of the Board.

Adjournment There being no further business, Chair Richtsmeier adjourned the meeting at 7:45 p.m.



 Chair Carol Richtsmeier

ATTEST:



 Cathy Gaeta, Board Secretary

Attachment(s): Findings of Fact (1)

Approved on November 20, 2023