



**CITY OF ITALY**  
**BOARD OF ADJUSTMENTS MEETING**  
**AGENDA**  
**JANUARY 19, 2021, 6:00 P.M.**  
**ITALY, TEXAS**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Board of Adjustments Meeting of the Italy Board of Adjustments Committee to be held January 19, 2021, at 6:00 p.m. in the Boze Community Center, located at 161 W. Main Street, Italy, Texas. The Board of Adjustments Committee reserves the right to meet in closed session on any agenda item pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Randy Boyd  
Jackie Cate Sr.

Bryant Cockran  
Jimmy Hyles

Salvador Perales

**1. CALL TO ORDER**

Roll Call

**2. CITIZENS COMMENTS**

**3. PUBLIC HEARING**

Public Hearing to receive comments for or against a request for a variance for property located at 519 Rankin Street, Italy, Texas 76651. Legal description, .263 acre tract of land situated in the ED Harrison Survey, Abstract 512, being all of that called Tract 3, City of Italy, Ellis County, Texas.

Public Hearing to receive comments for or against a request for a variance for property located at 515 Rankin Street, Italy, Texas 76651. Legal description, .161 acre tract of land situated in the ED Harrison Survey, Abstract 512, being all of that Tract 2, City of Italy, Ellis County, Texas.

Public Hearing to receive comments for or against a request for a variance for property located at 520 Farrow Street, Italy, Texas 76651. Legal description, .161 acre tract of land situated in the ED Harrison Survey, Abstract 512, being all of that called Tract 4, City of Italy, Ellis County, Texas.

**4. CONSENT ITEMS**

APPROVE MINUTES:

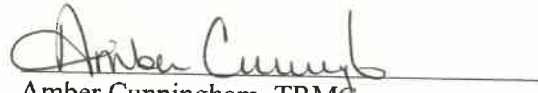
1. June 29, 2020 Meeting Minutes

**5. REGULAR SESSION**

- A. Discuss and consider necessary action(s) regarding a request for a variance for property located at 519 Rankin Street, Italy, Texas 76651. Legal description, .263 acre tract of land situated in the ED Harrison Survey, Abstract 512, being all of that Tract 3, City of Italy, Ellis County, Texas.
- B. Discuss and consider necessary action(s) regarding a request for a variance for property located at 515 Rankin Street, Italy, Texas 76651. Legal description, .161 acre tract of land situated in the ED Harrison Survey, Abstract 512, being all of that Tract 2, City of Italy, Ellis County, Texas.

- C. Discuss and consider necessary action(s) regarding a request for a variance for property located at 520 Farrow Street, Italy, Texas 76651. Legal description, .161 acre tract of land situated in the ED Harrison Survey, Abstract 512, being all of that called Tract 4, City of Italy, Ellis County, Texas.

6. ADJOURNMENT

  
Amber Cunningham, TRMG  
City Secretary

CERTIFICATION

I, Amber Cunningham, certify that the above notice was posted at Boze Community Center, 161 W. Main Street, Italy, Texas on or before Friday, January 15, 2021 before 6:00 P. M. in accordance with Chapter 551 of the Texas Government Code.

This facility is wheelchair accessible and accessible parking places are available, requests for reasonable accommodations must be made 48 hours prior to this meeting. Please contact City Hall at 972-483-7329 ext.103.



**CITY OF ITALY  
BOARD OF ADJUSTMENTS MEETING  
MINUTES  
JUNE 29, 2020, 6:00 P.M.  
ITALY, TEXAS**

Randy Boyd✓  
Jackie Cate Sr.✓

Bryant Cockran✓  
Jimmy Hyles✓

Salvador Perales✓

**1. CALL TO ORDER**

Roll Call

City Secretary Amber Cunningham called roll: Board Members Boyd, Cockran, Hyles, Cate and Perales were all present. A quorum was established at 6:00 P.M.

**2. CITIZENS COMMENTS**

There were no citizen comments.

**3. CONSENT ITEMS**

**A. APPROVE MINUTES:**

1. June 2, 2020 Meeting Minutes

Board Member Jimmy Hyles made a motion to approve the consent item. Board Member Bryant Cockran seconded the motion. Motion passed with 5 ayes (Board Members Boyd, Cochran, Hyles, Cate and Perales) and 0 nays.

**4. REGULAR SESSION**

B. Discussion with Josh Trees regarding street to possible development.

Josh Trees explained to the Board Members where he would be interested in a possible development and received their opinions on the location of the street entrance to the area. No action was taken.

**5. ADJOURNMENT**

The meeting adjourned at 6:45 P.M.

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Amber Cunningham  
City Secretary

APPLICATION - REQUEST FOR VARIANCE OR APPEAL  
ZONING BOARD OF ADJUSTMENT

185777

Date: 12/7/20

I, Paul Shearin the undersigned owner or authorized agent of the following described real property located in the City of Italy, Texas, hereby make application for a request for a variance from the terms of section \_\_\_\_\_ of the City of Italy Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 520 Farrow 519 Rankin  
514 Rankin

Legal Description: Lot/Tract: \_\_\_\_\_, Block \_\_\_\_\_, of Subdivision/Abstract \_\_\_\_\_

Parking Building Setbacks \_\_\_\_\_ Building Materials \_\_\_\_\_ Request Variance \_\_\_\_\_  
(If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach extra sheets.)

The new home owners would like  
1 car garage.  
also to have 10 Ft setback to allow wider home.

A non-refundable application fee of \$ 400.00 is required to be paid at the time of application.

For a variance to be granted by the Board of Adjustment, the Board MUST determine that ALL of the following conditions apply:

- a. That 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.
- b. 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 the Italy Zoning Ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Italy Zoning Ordinance to other lands, structures, or buildings in the same district.
- e. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered ground for the issuance of a variance.
- f. Financial hardship shall not be considered grounds for the issuance of a variance.

I have read this application packet and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least seventy-five percent (75%) concurring affirmative votes must be cast in order to receive a variance.

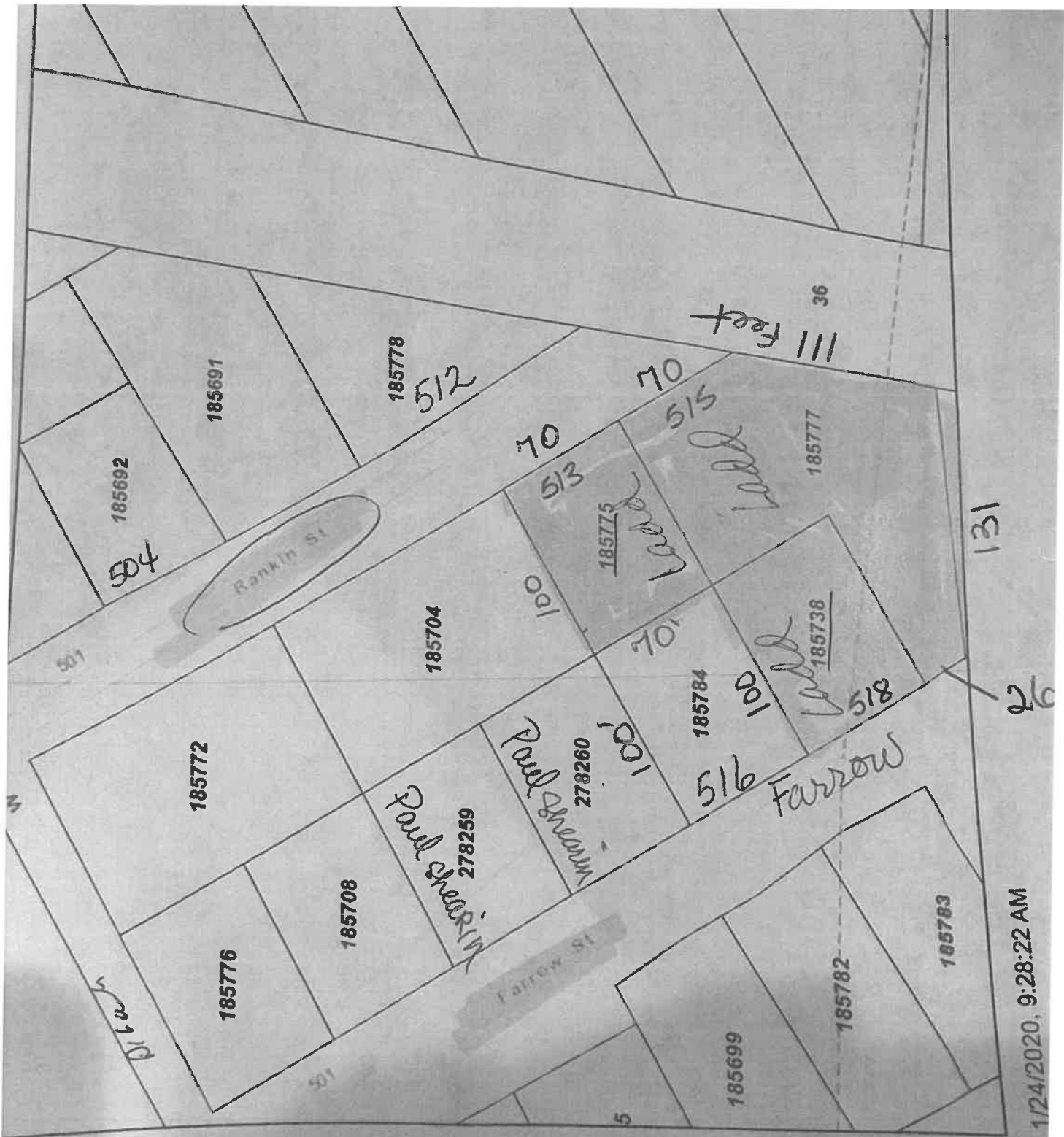
Signature of Applicant [Signature] Print Name Paul Shearin

Mailing Address P.O. Box Italy TX 74651

Telephone (Home) \_\_\_\_\_ Telephone (Day Number) 1

City Staff Member's Signature Anne Outherland

Date 12/7/20 Receipt Number # 177144



185692

185691

185778

512

504

Rankin St

70

513

70

515

111 Feet

36

185775

100

70

185777

131

501

185704

185784

100

185738

518

26

185772

Paul Shearin  
278260

100

516

Farrow

Dillards

185776

185708

Paul Shearin  
278259

Farrow St

185699

185782

185783

1/24/2020, 9:28:22 AM

**0.263 ACRE BOUNDARY SURVEY**  
**PAGE 1 OF 2**

LEGAL DESCRIPTION

BEING all of that parcel of land located in the City of Italy, Ellis County, Texas and being a part of the E.D. Harrison Survey, Abstract No. 512, being all of that called Tract 3 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "3B" set at the north corner of said Tract 3, said point being at the east corner of that called Tract 2 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas and said point being in the southwest right-of-way line of Rankin Street (50' right-of-way);

THENCE South 31 degrees 24 minutes 25 seconds East, 27.67 feet along the southwest right-of-way line of Rankin Street to a one-half inch iron rod with cap found in the easterly line of said Tract 3 and said point being in the northwest right-of-way line of the International and Great Northern Railroad (variable width right-of-way);

THENCE South 13 degrees 10 minutes 26 seconds West, 145.92 feet along the northwest right-of-way line of the International and Great Northern Railroad to a one-half inch iron rod found in the north right-of-way line of State Highway No. 34 (unimproved, variable width right-of-way);

THENCE South 86 degrees 45 minutes 53 seconds West, 110.72 feet along the north right-of-way line of State Highway No. 34 to a one-half inch iron rod found in the northeast right-of-way line of Farrow Street (variable width right-of-way);

THENCE North 31 degrees 24 minutes 25 seconds West, 9.33 feet along the northeast right-of-way line of Farrow Street to a one-half inch iron rod found at the south corner of that called Tract 4 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas;

THENCE North 58 degrees 35 minutes 35 seconds East, 100.03 feet to a one-half inch iron rod found at the east corner of said Tract 4;

THENCE North 31 degrees 24 minutes 25 seconds West, 70.00 feet to a one-half inch iron rod found at the north corner of said Tract 4, said point being at the east corner of that called tract of land described in deed to Mary Lean Cockran recorded in Volume 631, Page 442, Deed Records Ellis County, Texas and said point being at the south corner of said Tract 2;

THENCE North 58 degrees 35 minutes 35 seconds East, 100.00 feet along the northwest line of said Tract 3 and along the southeast line of said Tract 2 to the POINT OF BEGINNING and containing 11,449 square feet or 0.263 acres of land.

Basis of Bearing is derived from GPS observations relative to the Texas WDS RTK Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83.



3B Land Surveying, Inc.

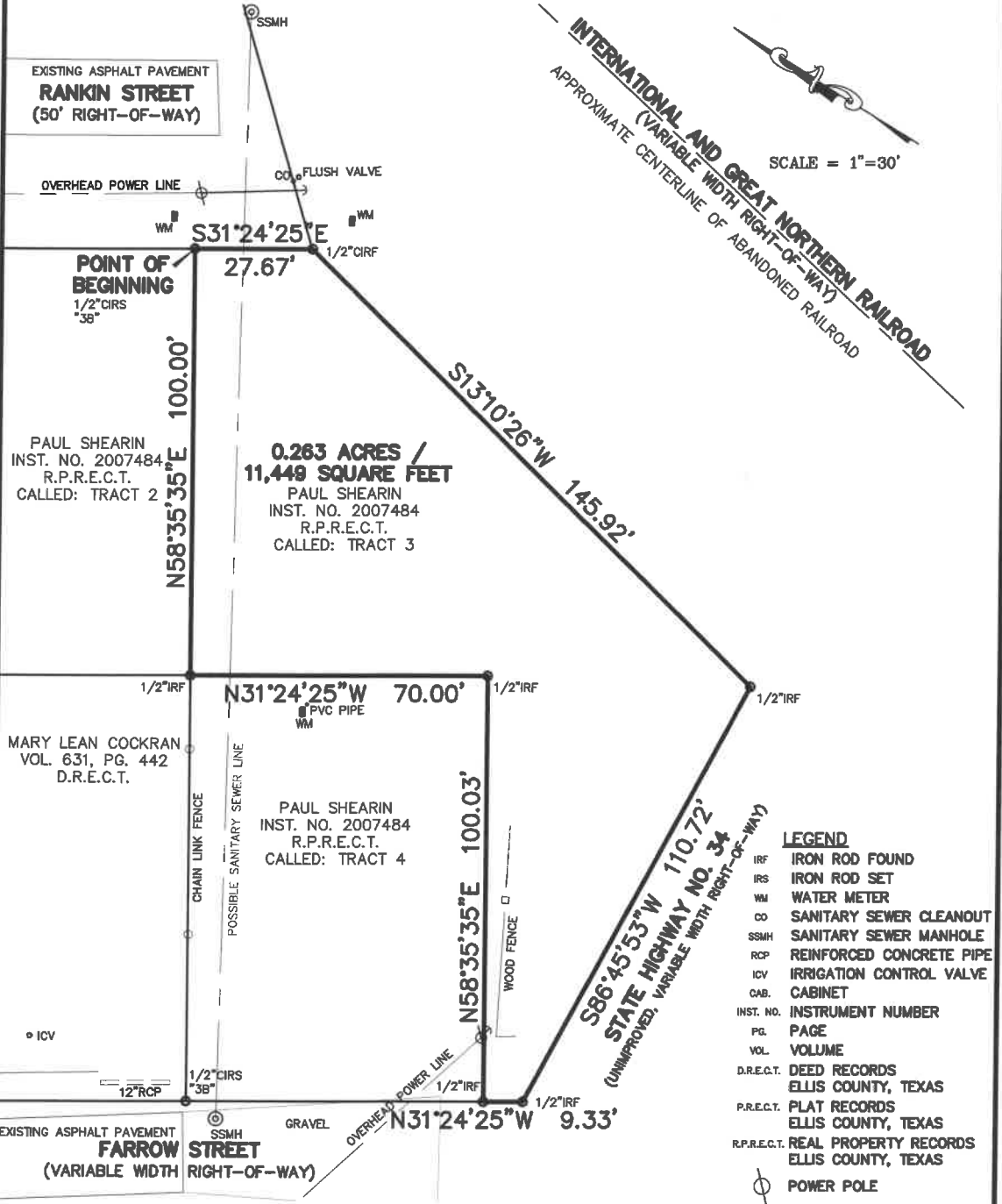
656 Bacak Road

Ennis, Texas 75119

972-825-7949

TBPLS FIRM NO. 10194480

**0.263 ACRE BOUNDARY SURVEY  
PAGE 2 OF 2**



**INTERNATIONAL AND GREAT NORTHERN RAILROAD**  
APPROXIMATE CENTERLINE OF ABANDONED RAILROAD  
SCALE = 1"=30'

EXISTING ASPHALT PAVEMENT  
**RANKIN STREET**  
(50' RIGHT-OF-WAY)

PAUL SHEARIN  
INST. NO. 2007484  
R.P.R.E.C.T.  
CALLED: TRACT 2

**0.263 ACRES /  
11,449 SQUARE FEET**  
PAUL SHEARIN  
INST. NO. 2007484  
R.P.R.E.C.T.  
CALLED: TRACT 3

MARY LEAN COCKRAN  
VOL. 631, PG. 442  
D.R.E.C.T.

PAUL SHEARIN  
INST. NO. 2007484  
R.P.R.E.C.T.  
CALLED: TRACT 4

EXISTING ASPHALT PAVEMENT  
**FARROW STREET**  
(VARIABLE WIDTH RIGHT-OF-WAY)

- LEGEND**
- IRF IRON ROD FOUND
  - IRS IRON ROD SET
  - WM WATER METER
  - CO SANITARY SEWER CLEANOUT
  - SSMH SANITARY SEWER MANHOLE
  - RCP REINFORCED CONCRETE PIPE
  - ICV IRRIGATION CONTROL VALVE
  - CAB. CABINET
  - INST. NO. INSTRUMENT NUMBER
  - PG. PAGE
  - VOL. VOLUME
  - D.R.E.C.T. DEED RECORDS  
ELLIS COUNTY, TEXAS
  - P.R.E.C.T. PLAT RECORDS  
ELLIS COUNTY, TEXAS
  - R.P.R.E.C.T. REAL PROPERTY RECORDS  
ELLIS COUNTY, TEXAS
  - ⊕ POWER POLE

**SURVEY CERTIFICATION:**

I hereby certify that this plat and description as shown hereon is a true and accurate representation, to the best of my knowledge and belief, of the property as determined by an on-the-ground survey performed under my supervision during the month of December, 2020.

*E. S. Bacak*

Edward Scott Bacak, R.P.L.S. No. 6248  
Dated: January 02, 2021



**SURVEY NOTE:**

Survey was performed without benefit of a title commitment. All easements may not be shown hereon.

**3B** 3B Land Surveying, Inc.  
656 Bacak Road  
Ennis, Texas 75119  
972-825-7949  
TBPLS FIRM NO. 10194480

**FLOOD STATEMENT:** According to Community Panel No. 48139C0475F, dated June 3, 2013, of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "X", (areas determined to be outside 500-year floodplain), which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

**0.161 ACRE BOUNDARY SURVEY**  
**PAGE 1 OF 2**

LEGAL DESCRIPTION

BEING all of that parcel of land located in the City of Italy, Ellis County, Texas and being a part of the E.D. Harrison Survey, Abstract No. 512, being all of that called Tract 2 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "3B" set at the north corner of said Tract 2 and said point being in the southwest right-of-way line of Rankin Street (50' right-of-way);

THENCE South 31 degrees 24 minutes 25 seconds East, 70.00 feet along the southwest right-of-way line of Rankin Street to a one-half inch iron rod with cap stamped "3B" set at the east corner of said Tract 2 and said point being at the north corner of that called Tract 3 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas;

THENCE South 58 degrees 35 minutes 35 seconds West, 100.00 feet to a one-half inch iron rod found at the south corner of said Tract 2, said point being in the westerly line of said Tract 3, said point being at the north corner of that called Tract 4 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas and said point being at the east corner of that called tract of land described in deed to Mary Lean Cockran recorded in Volume 631, Page 442, Deed Records Ellis County, Texas;

THENCE North 31 degrees 24 minutes 25 seconds West, 70.00 feet to a one-half inch iron rod found at the west corner of said Tract 2, said point being at the north corner of said Cockran tract of land and said point being at the east corner of that called Lot 2, Block 2 of Jordan Subdivision, an addition to the City of Italy, Texas recorded in Cabinet J, Slide 774, Plat Records Ellis County, Texas;

THENCE North 58 degrees 35 minutes 35 seconds East, 100.00 feet along the northwest line of said Tract 2 to the POINT OF BEGINNING and containing 7,000 square feet or 0.161 acres of land.

Basis of Bearing is derived from GPS observations relative to the Texas WDS RTK Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83.



3B Land Surveying, Inc.

656 Bacak Road

Ennis, Texas 75119

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TXPLS FIRM NO. 10194480

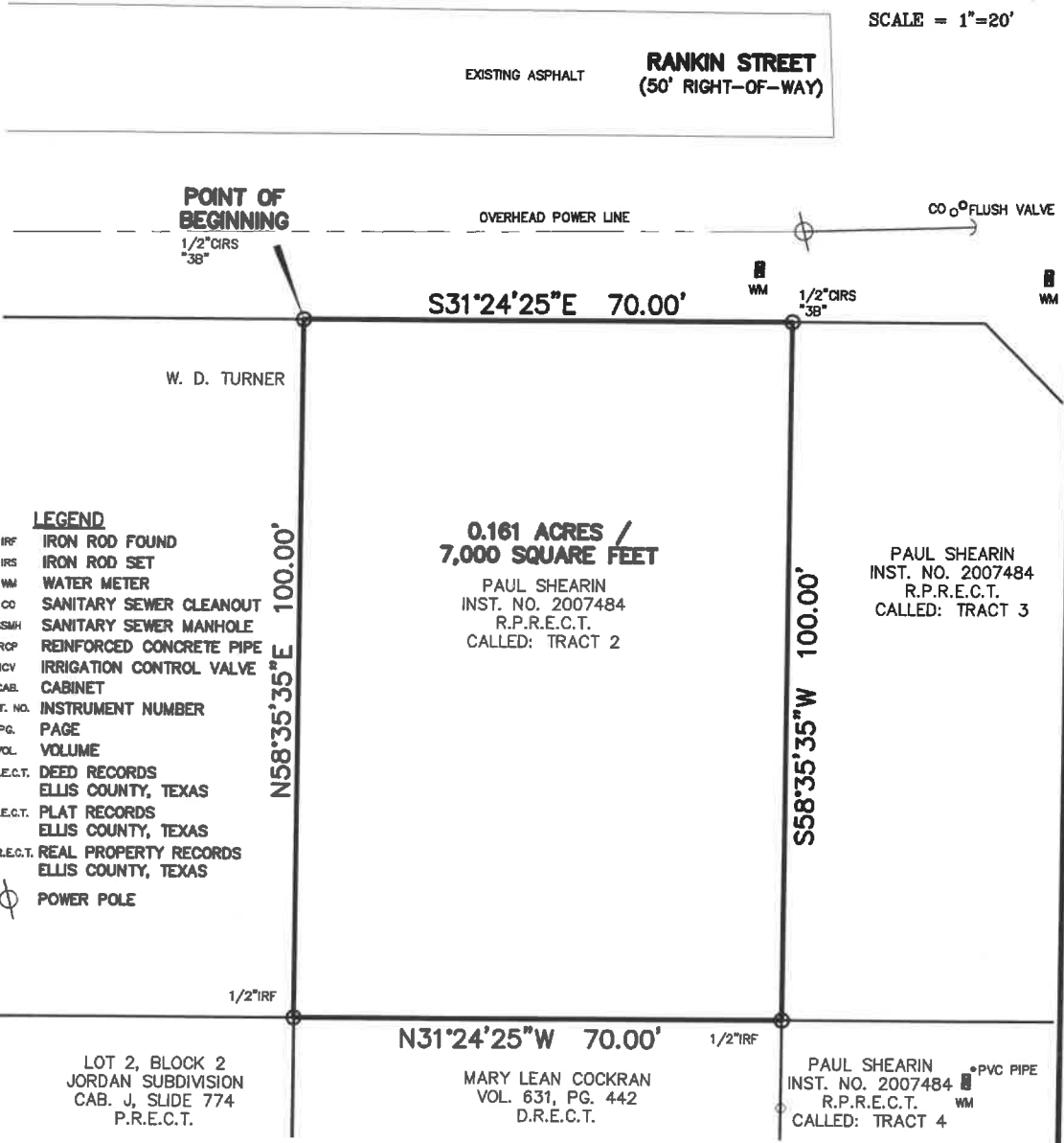


# 0.161 ACRE BOUNDARY SURVEY

## PAGE 2 OF 2



SCALE = 1"=20'



- LEGEND**
- IRF IRON ROD FOUND
  - IRS IRON ROD SET
  - WM WATER METER
  - CO SANITARY SEWER CLEANOUT
  - SSMH SANITARY SEWER MANHOLE
  - RCP REINFORCED CONCRETE PIPE
  - ICV IRRIGATION CONTROL VALVE
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  - D.R.E.C.T. DEED RECORDS  
ELLIS COUNTY, TEXAS
  - P.R.E.C.T. PLAT RECORDS  
ELLIS COUNTY, TEXAS
  - R.P.R.E.C.T. REAL PROPERTY RECORDS  
ELLIS COUNTY, TEXAS
  - ⊕ POWER POLE

**0.161 ACRES /  
7,000 SQUARE FEET**

PAUL SHEARIN  
INST. NO. 2007484  
R.P.R.E.C.T.  
CALLED: TRACT 2

PAUL SHEARIN  
INST. NO. 2007484  
R.P.R.E.C.T.  
CALLED: TRACT 3

LOT 2, BLOCK 2  
JORDAN SUBDIVISION  
CAB. J, SLIDE 774  
P.R.E.C.T.

**N31°24'25"W 70.00'**

MARY LEAN COCKRAN  
VOL. 631, PG. 442  
D.R.E.C.T.

PAUL SHEARIN  
INST. NO. 2007484  
R.P.R.E.C.T.  
CALLED: TRACT 4

**SURVEY CERTIFICATION:**

I hereby certify that this plat and description as shown hereon is a true and accurate representation, to the best of my knowledge and belief, of the property as determined by an on-the-ground survey performed under my supervision during the month of December, 2020.

E.S. Bacak

Edward Scott Bacak, R.P.L.S. No. 6248  
Dated: January 02, 2021



**SURVEY NOTE:**

Survey was performed without benefit of a title commitment. All easements may not be shown hereon.

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656 Bacak Road  
Ennis, Texas 75119  
972-825-7949  
TBPLS FIRM NO. 10194480

**FLOOD STATEMENT:** According to Community Panel No. 48139C0475F, dated June 3, 2013, of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "X", (areas determined to be outside 500-year floodplain), which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

**0.161 ACRES BOUNDARY SURVEY**  
**PAGE 1 OF 2**

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THENCE North 58 degrees 35 minutes 35 seconds East, 100.03 feet to a one-half inch iron rod found at the north corner of said Tract 4, said point being at the east corner of said Cockran tract of land, said point being at the south corner of that called Tract 2 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas and said point being in the westerly line of that called Tract 3 as described in deed to Paul Shearin recorded in County Clerk's Instrument Number 2007484, Real Property Records Ellis County, Texas;

THENCE South 31 degrees 24 minutes 25 seconds East, 70.00 feet along the westerly line of said Tract 3 to a one-half inch iron rod found at the east corner of said Tract 4;

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THENCE North 31 degrees 24 minutes 25 seconds West, 70.00 feet along the southwest line of said Tract 4 and along the northeast right-of-way line of Farrow Street to the POINT OF BEGINNING and containing 7,002 square feet or 0.161 acres of land.

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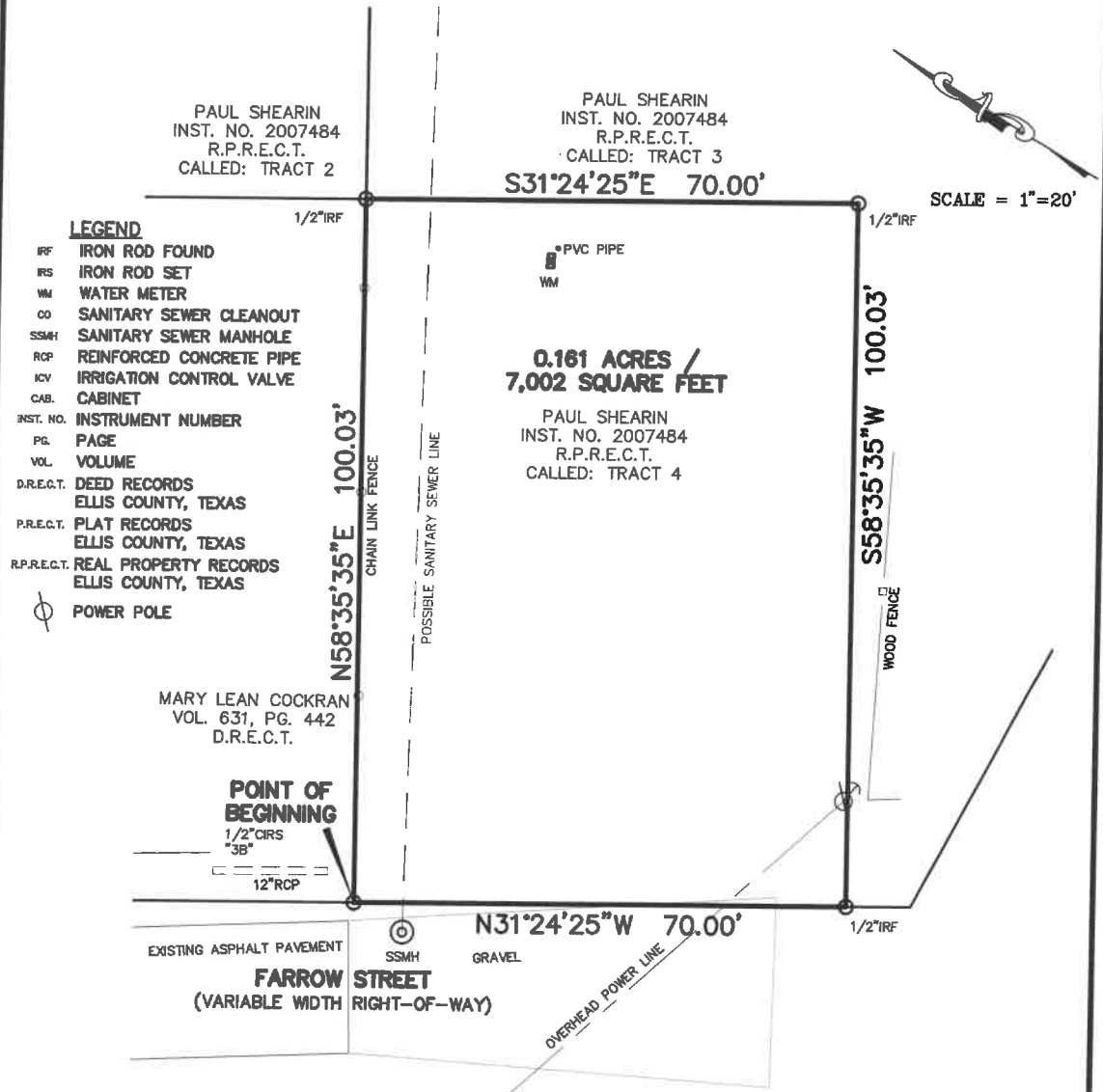
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972-825-7949

TXPLS FIRM NO. 10194480

**0.161 ACRES BOUNDARY SURVEY**  
**PAGE 2 OF 2**



- LEGEND**
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*Edward Scott Bacak*  
 Edward Scott Bacak, R.P.L.S. No. 6248  
 Dated: January 02, 2021



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