



**TOWN OF SHADY SHORES
ZONING BOARD OF ADJUSTMENTS
CALLED MEETING
JANUARY 11, 2015 6:30 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD, SHADY SHORES TX**

1. CALL TO ORDER

2. ROLL CALL

Establish a Quorum.

3. MINUTES:

Consider and act upon approval of the Zoning Board of Adjustment Minutes from December 14, 2015.

Documents: [12.14.2015 ZBA MINUTES.PDF](#)

4. PUBLIC HEARING (Arterberry)

Conduct a public hearing relative to a request made by Jimmy Arterberry to remove the existing home at 203 Redbud Trail. Mr. Arterberry is requesting a variance to the lot size and structure size to build a 1800-2000 square foot structure.

A. Open Public Hearing

B. Applicant

C. Those in favor

D. Those Opposed

E. Rebuttal, if desired

F. Close Public hearing

Documents: [ARTERBERRY PUBLIC HEARING 01.11.2016.PDF](#)

5. REQUEST FOR A VARIANCE: (ARTERBERRY)

Consider and take action relative to a request made by Jimmy Arterberry for a variance to the zoning ordinance 256-5-2013. Mr. Arterberry is requesting a variance to the lot size and the structure size.

Documents: [ARTERBERRY VARIANCE 01.11.2016.DOCX](#), [ARTERBERRY REQUEST 01.11.16_REDACTED.PDF](#), [SHAHAN ADDITION PLAT.PDF](#)

6. ADJOURN

I, Wendy Withers, Town Secretary, do hereby certify that a true and correct copy of this agenda was duly posted on _____, 2016 at _____.

Wendy Withers, Town Secretary



TOWN OF SHADY SHORES
ZONING BOARD OF ADJUSTMENTS
DECEMBER 14, 2015 6:30 P.M.
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208

MINUTES

| | | |
|-------------------|---------------|---------|
| Cindy Spencer | Mayor | Absent |
| Cindy Aughinbaugh | Mayor Pro-Tem | Present |
| Charles Grimes | Councilmember | Present |
| Matthew Haines | Councilmember | Present |
| Paula Woolworth | Councilmember | Present |
| Tom Newell | Councilmember | Present |

Also Present: Wendy Withers, Town Secretary; Amber Schuler, Deputy Town Secretary; Jim Shepherd, Town Attorney; Richard Arvizu, Town Engineer

1. CALL TO ORDER

Mayor Pro-Tem Cindy Aughinbaugh called the meeting to order at 6:31 pm.

2. ROLL CALL

Establish a Quorum.

Mayor Pro-Tem Cindy Aughinbaugh called the roll and a quorum was established for the record.

3. MINUTES:

Consider and act upon approval of the Zoning Board of Adjustment Minutes from February 9, 2015.

Documents: [ZBA MINUTES 02.09.2015.PDF](#)

Matthew Haines made a motion to approve the minutes of the February 9, 2015 Zoning Board of Adjustments meeting. Paula Woolworth seconded the motion.

Discussion: None

AYES: Grimes, Haines, Aughinbaugh, Woolworth, Newell

NAYS: None

The motion passed unanimously.

4. PUBLIC HEARING (GARDNER)

Conduct a public hearing relative to a request made by Jason Gardner for a variance to Ordinance 279-07-2015 Accessory Structures. Mr. Gardner is requesting a variance to the maximum structure size.

A. Open Public Hearing- Mayor- Pro Tem Cindy Aughinbaugh opened the public hearing at 6:32 pm.

B. Applicant- The applicant Jason Gardner stated that he had been working on the project (the construction of his home and an accessory building since early 2014. Mr. Gardner stated that he had already purchased the materials prior to the passage of the new ordinance and is unable to exchange them with the manufacturer.

C. Those In Favor – No one spoke in favor of the request.

D. Those Opposed- No one spoke in opposition to the request.

E. Rebuttal, if desired

F. Close Public Hearing- Mayor Pro-Tem Cindy Aughinbaugh closed the public hearing at 6:36 pm.

Documents: [AGENDA MEMO GARDNER PUBLIC HEARING GARDNER REQUEST.PDF](#)

5. ZONING VARIANCE REQUEST (GARDNER)

Consider and take action relative to a request for a variance to Ordinance 279-07-2015 Accessory Structures which designates a maximum structure size for lot sizes.

Councilmember Haines expressed his concern that the applicant had purchased the building materials prior to the issuance of a permit and that should the board choose to approve the request; it would be going against the hard work of the Planning and Zoning Commission.

Councilmember Tom Newell stated that while he was sympathetic to the issue he felt the materials should not have been purchased prior to the issuance of a permit.

Town Attorney Jim Shepherd asked the applicant to state the purpose of the building and cautioned the applicant that he could not use the garage for commercial purposes.

it was noted that part of the garage was being proposed in the 500 year floodplain.

Tom Newell made a motion to approve the variance provided Mr. Gardner constructs the building according to the previous Ordinance (256-5-2013). Charles Grimes seconded the motion.

Discussion: None

AYES: Grimes, Haines, Aughinbaugh, Woolworth, Newell

NAYS: None

The motion passed unanimously.

Documents: [AGENDA MEMO GARDNER REQUEST 12.14.2015.PDF](#), [GARDNER APPLICATION FOR A VARIANCE_REDACTED.PDF](#), [ORDINANCE NO. 279-07-2015.PDF](#)

6. PUBLIC HEARING (MCKINNEY)

Conduct a public hearing relative to a request made by Judy McKinney for a variance to the minimum setback lines at 556 Jay Street.

A. Open the Public Hearing- Mayor Pro-Tem Cindy Aughinbaugh opened the public hearing

at 6:52 pm.

B. Applicant Comments- Craig Donnelly, building contractor for the residential structure spoke

on behalf of Judy McKinney. Mr. Donnelly stated that his request would be consistent with the houses on either side (558 and 560 Jay Street).

C. Those in Favor-Donny Autry 560 Jay Street spoke in favor of the request

D. Those Opposed- No one spoke in opposition to the request

E. Rebuttal, if desired-None

F. Close Public Hearing-The public hearing was closed at 7:00 pm.

Documents: [AGENDA MEMO GARDNER PUBLIC HEARING MCKINNEY REQUEST 12.14.2015.DOCX](#)

7. ZONING VARIANCE REQUEST (MCKINNEY):

Consider and take action relative to a request made by Judy McKinney for a variance to the minimum setbacks and structure size for 556 Jay Street. Ms. McKinney is requesting the following: 16' front yard setback, 7' side yard setbacks and a rear set back of 0'. Consider and act on waiving the variance application fee for the applicant.

Councilmember Charles Grimes expressed concerns about granting the variance even though the other houses in the area had similar building setbacks. Mr. Grimes also expressed concerns about the drainage from this property.

Councilmember Haines stated that although this was not what he had envisioned as a long term solution for that area, it seemed to be similar to the other homes in the neighborhood.

Richard Arvizu, Town Engineer stated that the builder had been required to show how the water was going to drain so that it would not go onto someone else's property.

Paula Woolworth moved to approve the variance for a 0' rear setback line at 556 Jay Street ensuring that the retaining wall is constructed on the property and not on COE land, as well as noting that the COE property is not defined by the fence shown on the plat. Tom Newell seconded the motion.

Discussion: None

AYES: Grimes, Haines, Aughinbaugh, Woolworth, Newell

NAYS: None

The motion passed unanimously.

Documents: [AGENDA MEMO MCKINNEY REQUEST 12.14.2015.PDF](#), [VARIANCE REQUEST MCKINNEY 556 JAY STREET_REDACTED.PDF](#), [556 JAY STREET PERMIT REQUEST_REDACTED.PDF](#), [ORIGINAL VARIANCE APPLICATION_REDACTED.PDF](#)

8. ADJOURN

The meeting was adjourned at 7:22 pm.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2015

APPROVED:

Cindy Aughinbaugh, Mayor Pro Tem

ATTEST:

Wendy Withers, Town Secretary

DRAFT



To: Mayor Spencer and Town Council Members
From: Wendy Withers, Town Secretary
CC: Jim Shepherd, Town Attorney
Date: 01/06/2016
Re: Public Hearing Arterberry Request

ACTION REQUESTED: Conduct a public hearing relative to a request made by Jimmy Arterberry for a variance to the zoning ordinance 256-5-2013.

BACKGROUND INFORMATION: Mr. Arterberry owns a home currently located at 203 Redbud Trail. The applicant is requesting permission to demolish the existing 1461 square foot home and construct a larger home that would be approximately 1800-2000 square feet. The current lot size is 0.186 acres or 8,000 square feet. The **current zoning standard** calls for ½ acre lot and a minimum 2,000 square foot home. However; most lots in the Shahan addition are approximately the same size as 203 Redbud Trail. This subdivision was in existence prior to the 2013 Ordinance.

It should be noted that although the Arterberry's own the lot adjacent to the rear of their property, the combined total of the lots would still not total ½ acre.



To: Mayor Spencer and Town Council Members
From: Wendy Withers, Town Secretary
CC: Jim Shepherd, Town Attorney
Date: 01/06/2016
Re: Arterberry Variance

ACTION REQUESTED: Consider and take action relative to a request made by Jimmy Arterberry for a variance to the zoning ordinance 256-5-2013.

BACKGROUND INFORMATION: Mr. Arterberry (applicant) owns a home currently located at 203 Redbud Trail. The applicant is requesting permission to demolish the existing 1461 square foot home and construct a larger home that would be approximately 1800-2000 square feet. The current lot size is 0.186 acres or 8,000 square feet. The **current zoning standard** calls for ½ acre lot and a minimum 2,000 square foot home. However; most lots in the Shahan addition are approximately the same size as 203 Redbud Trail. This subdivision was in existence prior to the 2013 Ordinance.

It should be noted that although the Arterberry's own the lot adjacent to the rear of their property, the combined total of the lots would still not total ½ acre.

ZONING VARIANCE APPLICATION

TO THE HONORABLE ZONING BOARD OF ADJUSTMENTS OF THE
TOWN OF SHADY SHORES, TEXAS:

I/WE, the undersigned owner(s) (Print) Jimmy Arterberry
of all property within described do hereby file this, my/our Application for a Zoning Variance under
the provisions of the Zoning Ordinance of the Town of Shady Shores, Texas on said property, so
there may be permitted on said property the following Zoning Variance:

REMOVE old house + REPLACE with NEW HOME TO MEET
ALL codes of Shady Shores. NEW house will BE BETWEEN
1800 to 2000 sq Ft.

The said property is located at: (Address) 203 Redbud TRAIL

Legal description: Survey RE SHAHAN Addn Abstract _____

Lot 2 Block 3 Total Acreage 0.1836

Said property is currently zoned: _____

Proposed development plans are/are not submitted herewith, explanation if any.

Explanation of hardship:

I/We REPRESENT AND CERTIFY that I/We own said property and have full authority to make
and file this application. I/We have read in full the attached Zoning Variance Request Packet and
acknowledge that the variance application fee is non-refundable.

[Signature]
SIGNATURE(S)

12-7-15
DATE

E-MAIL ADDRESS

PHONE NUMBER

OFFICE USE ONLY BELOW

- Letters sent to property owners within 200-foot of subject property 10-days prior to meeting but no more than 20-days prior
- Legal notice published in official newspaper 10-days prior to meeting but no more than 20-days prior

Date Received: _____

Receipt #: _____

Check #: _____

Received by: _____

Approximate Lot Size - 8,000
 Approximate Home sizes - 1,000 - 2,300

