

NOTICE OF BOARD OF ADJUSTMENTS MEETING

OCTOBER 22, 2012 7:00PM

SHADY SHORES COMMUNITY CENTER

101 S. SHADY SHORES ROAD

SHADY SHORES, TX 76208

AGENDA

MINUTES

1. CALL TO ORDER

THE MEETING WAS CALLED TO ORDER AT 7 PM BY THE MAYOR. ALL BOARD MEMBERS WERE PRESENT

- 2. PUBLIC HEARING**-Conduct a public hearing relative to a request made by John Mackenzie of 200 Comanche, for a variance to Ordinance 124, Article 2.5 c (2), and Ordinance 130 Article VII, Section 7.4, more specifically a variance regarding an easement encroachment at the property known as 200 Comanche. Mr. Mackenzie is requesting permission to place an approximate two foot section of his new detached garage in the drainage easement.

a. Open Public Hearing

JOHN REEDY MADE A MOTION TO OPEN THE PUBLIC HEARING AND CINDY AUGHINBAUGH MADE A SECOND. MOTION CARRIED

b. Property Owner Comments

JOHN MACKENZIE MADE A PRESENTATION USING CHARTS, PICTURES, TOPOGRAPHY MAPS AND SURVEYS.

CHARLES GRIMES ASKED HOW FAR OVER WAS THE ENCROACHMENT. THE OWNER SAID IT WAS 4.7 FEET.

CINDY A. ASKED IF IT WOULD RESTRICT ANY WATER FLOW AND THE OWNER SAID NO. IT IS MORE ON THE OTHER PROPERTY OWNERS EASEMENT.

JOHN REEDY SAID HE TOOK A VISUAL INSPECTION OF THE PROPERTY AND NOTED THAT THE 24" CULVERT INTO THE 40' EASEMENT SEEMED EXCESSIVE. LANCE SANDMANN MENTIONED THAT THE WATER WOULD OUTFLOW THE OTHER SIDE OF THE CUVERT LONG BEFORE IT WOULD FILL UP THE EASEMENT.

CHARLES GRIMES REMINDED THE BOARD THAT THIS IS AN EASEMENT FOR DRAINAGE AND HE IS PUTTING AN OBSTACLE IN THIS AREA. WE HAVE HAD PROBLEMS BEFORE IN ARBOR SHORES IF YOU REMEMBER. JOHN MACKENZIE POINTED OUT THAT NOT ALL THE EASEMENTS WERE 40'. SOME WERE 15, 25, ETC.

HIS 40' EASEMENT IS MUCH LARGER THAN THE OTHERS.

CINDY SPENCER ASKED THE PROPERTY OWNER IF HE HAD SEEN THE LETTER FROM THE ENGINEER. THE OWNER REPLIED YES. HE IS AWARE OF THE RESTRICTIONS. CINDY ASKED JIM, THE TOWN ATTORNEY, IF THE LAST STATEMENT ON THE LETTER THAT WARNS THE PROPERTY OWNER ABOUT ACCESS IF THE NEED AROSE TO DO WORK IN THE EASEMENT WAS APPROPRIATE. JIM SAID NO THAT A COVENANT BETWEEN THE TOWN AND OWNER WOULD HAVE TO BE SCRIPTED.

CHARLES ASKED ABOUT THE TREES IN THE EASEMENT AND WHO WOULD BE RESPONSIBLE. JIM SAID THAT THE TREES WOULD BE AT RISK. JIM REMINDED EVERYONE THAT THIS PLAT WAS DONE BY THE COUNTY AND NOT APPROVED BY TOWN ENGINEERS AS IT WAS PRIOR TO ANNEXATION OF THE PROPERTY. JIM ALSO WANTED TO BE SURE THAT THE DRAINAGE PLANS HAD BEEN REVIEWED BY THE TOWN ENGINEER. THE MAYOR CONFIRMED THIS FACT.

CINDY S. ASKED IF THE BUILDING INSPECTOR WOULD CONFIRM THAT THE BUILDING WAS ERECTED ACCORDING TO THIS VARIANCE. THE MAYOR AGREED THAT THIS WOULD BE THE COURSE TAKEN.

c. Public Comments

THERE WERE NO PUBLIC COMMENTS

d. Rebuttal, if desired

THERE WAS NO REBUTTAL REQUIRED

e. Close Public Hearing

CINDY AUGHINBAUGH MADE A MOTION TO CLOSE THE HEARING. JOHN REEDY MADE A SECOND. THE HEARING WAS CLOSED WITH UNANIMOUS APPROVAL. CINDY SAID THAT WHEN WE TAKE THE VOTE THAT A COVENANT COMMITMENT BE A PART OF THE ACTION. JIM CONCURRED. CHARLES ASKED IF THERE REALLY IS A HARDSHIP OR IF IT JUST WILL NOT FIT. CHARLES ASKED THE MAYOR IF THIS COMES UNDER THE 124 ORDINANCE SECTION FOR VARIANCE. THE MAYOR SAID IT IS UP TO THE BOARD TO DECIDE THAT.

3. **ACTION REGARDING PUBLIC HEARING**-Consider and take action relative to a variance request made by John Mackenzie for an easement encroachment for his property at 200 Comanche. JOHN REEDY MADE A MOTION TO APPROVE THE VARIANCE SUBJECT TO A COVENANT WITH THE TOWN BEING FILED BY THE PROERTY OWNER PRIOR TO ISSUING A BUIDLING PERMIT WHICH WILL BE DEEDED TO FUTURE PROPERTY OWNERS. LANCE SANDMANN MADE A SECOND. JOHN REEDY, LANCE SANDMANN, CINDY SPENCER, AND CINDY AUGHINBAUGH VOTED FOR APPROVAL. CHARLES GRIMES VOTED NOT TO APPROVE. THE MOTION PASSED SUBJECT TO THE REQUIRED RESTRICTION PLACED ON THE PROPERTY OWNER REGARDING THE COVENANT.

4. **ADJOURN**

JOHN REEDY MADE A MOTION TO CLOSE THE MEETING. CINDY A. MADE A MOTION TO SECOND. THE MEETING WAS ADJOURNED BY UNANIMOUS VOTE.

As authorized by section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the town attorney on any agenda item listed herein.

I, Jerry Williams, Mayor of the Town of Shady Shores do hereby certify that the above notice of the Board of Adjustments was posted on the bulletin board of the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on the _____ DAY OF _____, 2012 AT _____ P.M.

_____ JERRY WILLIAMS, MAYOR

IN ADDITION, A QUORUM OF PLANNING AND ZONING MEMBERS MAY CHOOSE TO ATTEND THE BOA MEETING POSTED ABOVE. THEREFORE, THIS IS NOTICE OF A PLANNING AND ZONING MEETING AT THE SAME TIME AND PLACE, WITH THE SAME AGENDA AS THE BOA. IN THE EVENT A QUORUM OF P&Z MEMBERS IS PRESENT AT THE MEETING, NO ACTION OF THE MEMBERS WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME STATED ABOVE.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2012.

JERRY WILLIAMS, MAYOR _____

ATTEST:

SARAH SWANSON, TOWN SECRETARY _____