



**TOWN OF SHADY SHORES
ZONING BOARD OF ADJUSTMENTS
SPECIAL CALLED MEETING
NOVEMBER 14, 2016, 6:30 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Establish a Quorum.

3. MINUTES:

Consider and act upon approval of the minutes from the June 13, 2016 Zoning Board of Adjustments.

Documents:

[ZBA MINUTES 06.13.2016.PDF](#)

4. PUBLIC HEARING:

Conduct a public hearing relative to a request made by Shing Mao for a variance to the side-yard setback for the property located at 200 Cove, in Shady Shores, Texas.

- A. Open Public Hearing
- B. Applicant
- C. Those in Favor
- D. Those Opposed
- E. Rebuttal, if Desired
- F. Close Public Hearing.

5. ACTION REGARDING PUBLIC HEARING: MAO REQUEST

Consider and take action relative to a request made by Shing Mao for a variance to the required side yard setback. Mr. Mao is requesting a 10' setback that is currently allowed per ordinance instead of the 15' required setback as indicated on the plat.

Documents:

[AGENDA MEMO 200 COVE DRIVE.PDF](#)
[VARIANCE REQUEST_REDACTED.PDF](#)
[BIG STAR HOMES SURVEY.PDF](#)
[ORIGINAL BUILDING PERMIT DOCUMENTS 200 COVE.PDF](#)
[SUBDIVISION ORDINANCE EXCERPT.PDF](#)

6. PUBLIC HEARING:

Conduct a public hearing relative to a request made by Kyle and Sheila Shipp for a

variance to the minimum side yard setback at 150 Whippoorwill in Shady Shores, Texas.

- A. Open Public Hearing
- B. Applicant
- C. Those in Favor
- D. Those Opposed
- E. Rebuttal if Desired
- F. Close Public Hearing

7. ACTION REGARDING PUBLIC HEARING: SHIPP REQUEST

Consider and take action relative to a request made by Kyle and Sheila Shipp for a variance to the side yard setbacks. The applicant is requesting permission to build 8' setback instead of the 10' setback as required in the Subdivision Ordinance.

Documents:

[AGENDA MEMO 150 WHIPPOORWILL.PDF](#)
[VARIANCE REQUEST SHIPP_REDACTED.PDF](#)
[RESPONSE TO VARIANCE.PDF](#)

8. ADJOURN

The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberation about Real Property), 551.073 (Deliberation about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development).

I, Cindy Aughinbaugh, Mayor of the Town of Shady Shores do hereby certify that the above notice of the Zoning Board of Adjustments was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ DAY OF _____ 2016, AT _____ P.M.

Cindy Aughinbaugh, Mayor

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



**TOWN OF SHADY SHORES
ZONING BOARD OF ADJUSTMENTS
CALLED MEETING
JUNE 13, 2016 6:30 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD, SHADY SHORES TX**

MINUTES

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

1. CALL TO ORDER

Mayor Pro Tem Cindy Aughinbaugh called the meeting to order at 6:30 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 January 11, 2016.

Tom Newell made a motion to approve the minutes of the January 11, 2016 Zoning Board of Adjustments Meeting. Charles Grimes seconded the motion.

DISCUSSION: NONE

AYES: Grimes, Aughinbaugh, Woolworth, Newell

NAYS: None

The motion passed unanimously.

4. PUBLIC HEARING: TAFT

Conduct a public hearing relative to a request made by Doug Taft for a variance to the minimum side yard setback lines for 102 Olive's Branch

- A. **Open Public Hearing**-Mayor Pro Tem Cindy Aughinbaugh opened the public hearing at 6:35 pm.
- B. **Applicant**- Dough Taft, the applicant presented his request for a variance to the side setback requirements. Mr. Taft is requesting a variance from the required 10' to 1' on the west side of the property.
- C. **Those in Favor**- Michelle Boyd 104 Olive's Branch stated that she was not necessarily opposed but would like a compromise. Mrs. Boyd stated that she and her husband approved of the things that Mr. Taft had done to the property so far, but would like the side setback to be at least 18".
- D. **Those Opposed**- Mayor Pro Tem Cindy Aughinbaugh read an emails from Allen Lea at 105 Olive's Branch and Fred Nicholson voicing their opposition to the request. (Exhibit A & B)
- E. **Rebuttal if Desired**- Mr. Taft stated that there were other buildings in existence that didn't meet the setback requirements.
- F. **Close Public Hearing**- Mayor Pro Tem Cindy Aughinbaugh closed the public hearing at 6:43 pm.

5. TAFT REQUEST

Consider and take action relative to a request made by Doug Taft for a variance to the side yard setback at 102 Olives Branch.

Documents: [AGENDA MEMO TAFT.PDF](#), [TAFT REDACTED.PDF](#)

Councilmember Charles Grimes asked the applicant questions regarding the size of the building and stated that he had a concern that Mr. Taft would not be able to keep the area mowed and clean if there wasn't enough room to get around the tree on one side of the building.

Councilmember Paula Woolworth asked the applicant if he had considered a smaller type of garage. Ms. Woolworth expressed concerns that the request was only based on cosmetic reasons other than a hardship.

Mr. Taft stated that he had purchased the property with the intention of building the larger garage, and that had he known there was a problem he wouldn't have purchased the property.

Tom Newell made a motion to deny the request. Charles Grimes seconded the motion.

DISCUSSION: None
AYES: Grimes, Aughinbaugh, Woolworth, Newell
NAYS: None

The motion passed unanimously.

6. PUBLIC HEARING: WELLS

Conduct a Public Hearing relative to a request made by Kenneth Wells for a variance to the masonry requirement for accessory buildings to be constructed at 144

Chaparral Estates.

A. Open Public Hearing- Mayor Pro Tem Cindy Aughinbaugh opened the public hearing at 7:02 pm.

B. Applicant- Kenneth Wells the applicant presented his request for a variance to the masonry requirement. Mr. Wells stated that he would be improving the property by removing an old steel structure and replacing it with new corrugated steel. He also stated there were several similar buildings in the neighborhood and he felt that it would be difficult to find brick that would complement his home but the building he was proposing would.

C. Those in Favor- Nick Augustine 142 Quail Circle spoke in favor of the request. Trent Legit 143 Chaparral spoke in favor of the request. Weldon Lucas 149 Chaparral spoke in favor of the request. Mick Dixon, 151 Chaparral spoke in favor of the request. William Adams, 140 Chaparral spoke in favor of the request. Mayor Pro Tem Cindy Aughinbaugh read an email from Ed Welch in favor of the request (Exhibit C)

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 7:09 pm.

7. WELLS REQUEST

Consider and take action relative to a request made by Kenneth Wells for a variance to the masonry requirement for an accessory structure at 144 Chaparral.

Documents: [AGENDA MEMO WELLS.PDF](#), [SKMBT_C36016060910190_REDACTED.PDF](#)

Councilmember Charles Grimes stated that the property was over two acres and that the proposed building would be almost exactly the same footprint of the one to be removed, and that it would improve the look of the neighborhood as well as increase the tax value.

Councilmember Paula Woolworth asked questions about the porch on the back of the building and stated that this look fit in better with the neighborhood. Ms. Woolworth acknowledged that the Planning and Zoning Commission labored over the ordinance however; many homes in the neighborhood have this particular style of building and that to require masonry would make this property stand out like a sore thumb.

Paula Woolworth made a motion to approve the request for a variance to the masonry requirement for Kenneth Wells at 141 Chaparral Estates. Charles Grimes seconded the motion.

DISCUSSION: None

AYES: Grimes, Aughinbaugh, Woolworth, Newell

NAYS: None

The motion passed unanimously.

8. ADJOURN

Charles Grimes made a motion to adjourn. Tom Newell seconded the motion.

DISCUSSION: NONE

AYES: Grimes, Aughinbaugh, Woolworth, Newell
NAYS: None

The motion passed unanimously and the meeting was adjourned at 7:15 pm.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2016.

APPROVED:

Cindy Aughinbaugh, Mayor Pro Tem

ATTEST:

Wendy Withers, Town Secretary



Agenda Memo

To: Mayor Cindy Aughinbaugh and Town Council Members

From: Wendy Withers, Town Secretary

cc: Jim Shepherd, Town Attorney

Date: 11/9/2016

Re: Variance Request 200 Cove

ACTION REQUESTED: Grant a variance to the side yard setbacks for 200 Cove. Consider waiving the variance request fee.

BACKGROUND: 200 COVE is a .43-acre lot in the Shady Shores Acres Section Two Addition. There were originally two (2) lots that were replatted into one lot (Lots 5 and 6), Block C. The replat included a 15' side yard setback. Currently the Subdivision requires a 10' side yard setback. A building permit was issued to David Weekly Homes in May of 2008. The permit that was submitted and approved indicated a 10' side yard setback. At some point during construction the project was abandoned and the house has been vacant since that time.

Currently the house is under contract for purchase by a family that would like to complete the construction and live in the home however; at the property closing the property survey disclosed that the house was in fact constructed with a 10.5' setback instead of the 15 feet required by the plat. The current owners are requesting that a variance be granted to the existing structure so that the new owners can proceed with their purchase.

The applicant is also requesting council consider waiving the fee as this problem has existed for some quite some time.

VARIANCE APPLICATION

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

I/WE, the undersigned owner(s) (Print) SHING MAO
of all property within described do hereby file this, my/our Application for a 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 Variance:

EAST SIDE BUILDING LINE CHANGED FROM
15 FT TO 10.5 TO ACCOMMODATE EXISTING
STRUCTURE

The said property is located at: (Address) 200 COVE DR
in the Town of Shady Shores and in more particularly described as follows: (Legal Description)
LOT 5A BLOCK C SHADY SHORES ACRES

Said property is currently zoned: RESIDENTIAL

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 Variance Request Packet and
acknowledge that the variance application fee is non-refundable.

David Mao  11/01/2016 05:40 PM GMT
SIGNATURE(S) David Mao power of attorney for Shing Mao

11-1-2016
DATE

[Redacted]
E-MAIL ADDRESS

[Redacted]
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 10-days prior
- Legal notice published in official newspaper 10-days prior to meeting but no more than 10-days prior

Date Received: 11/01/2016
Receipt #: 6663336
Check #: 1196
Received by: [Signature]

David Mao - no car
214 417-3373

**BUILDING PERMIT APPLICATION
TOWN OF SHADY SHORES**

P.O. BOX 362 101 S. SHADY SHORES ROAD (940) 497-2599
LAKE DALLAS, TEXAS 75065 SHADY SHORES, TEXAS 76208

I hereby submit this application for a building permit for the following described work:
300 Cove

Building Use RESIDENTIAL Type Construction Single family
(residential, garage, barn, other)
Lot 546 Block C Subdivision Shady Shores
Size of Building 5547 Living Area 3278 1st Floor 1980 2nd Floor 1298
Set backs: Front Yard 25' Rear Yard 60' Side Yard 24'3" Side Yard 31'2"
Water LCMUA Private Well _____ Gas: Natural no Propane no Butane no
Air Conditioner: elec. Central Heat elec. Fire Place _____
(gas, electric, other) (Gas, electric, other)
Sewage Disposal: LCMUA Sewage Septic Tank _____ Aerobic _____

TOTAL EVALUATION OF ALL WORK DONE UNDER THIS PERMIT: \$ _____

Fee: \$ 797.50 Permit Number: 1460

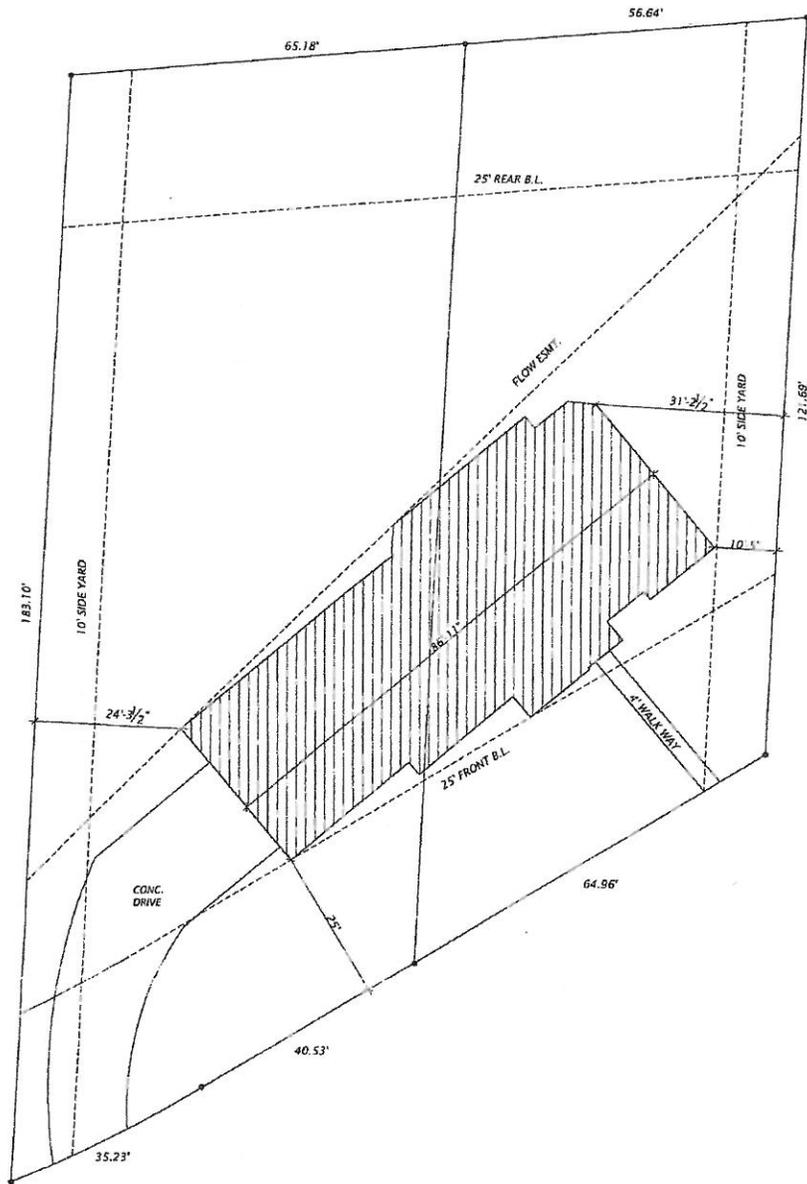
Owner: Big Star Homes Address: P.O. Box 51285 Denton
Telephone #: 940-465-1333 Fax: _____ 76210
Builder: Randy Tuder Address: same
Telephone #: _____ Fax: same

I, the undersigned, do hereby agree to comply with the provisions of the ordinances and the State Law will be complied with, whether herein specified or not. The Town of Shady Shores will not be liable for construction. Building Codes will be followed.

Signed: [Signature]
(Owner, Builder)

Application Approved by: _____ Date: _____

Permit Issued: _____ Date: _____



| | | | | | |
|--|--|--|--|---|--|
| | | Dotson Drafting & Design Chris A. Dotson 4941 AUSTIN CIRCLE SANGER, TEXAS 76266 PH 940-367-9043 | | <h1>BIG STAR HOMES</h1> 940-239-5046 | |
| Subdivision SHADY SHORES ACRES | | A Custom Residence For : MOA PLAN | | REVISIONS | |
| Lot 5 & 6 Blk C | | Date 04/24/08 | | | |
| SHADY SHORES, TEXAS | | SCALE: 1" = 20'-0" | | | |

Property Details for account 582976

Tax Information

The Denton Central Appraisal District is not responsible for the assessment or collection of taxes for this or any other property. If you have a question regarding your tax bill please contact the Denton County Tax Assessor / Collector.

General Information

| | |
|----------------------|--|
| Property ID | 582976 |
| Geographic ID | SD0393A-000000C-0000-0005-0000 |
| Legal Description | Shady Shores Acres Blk C Lot 5a |
| Situs Address | 200 Cove Dr Tx 76208-7108 |
| Property Type | Real |
| Neighborhood | DC34032 |
| Abstract/Subdivision | Shady Shores Acres SD0393A |
| | All properties in SD0393A View Plat |
| Owner ID | 142119 |
| Owner Name | Mao, Shing Etal |
| Percent Ownership | 100 |
| Mailing Address | 200 Summer Hill Ln Mckinney, TX 75069-4182 |
| Taxing Jurisdictions | G01 (Denton County) S05 (Denton Isd) W02 (Lake Cities Mua) C34 (Shady Shores Town Of) |
| Exemptions | N/A |
| View Map | Denton CAD GIS |

New Restrictions on the Display of Exemption Information

Details

2016 Certified Values

| | |
|------------------------------------|---------------|
| Total Improvement Value | (+) \$164,612 |
| Land Homesite Value | (+) \$0 |
| Land Non-Homesite Value | (+) \$95,388 |
| Agricultural Market Value | (+) \$0 |
| Timber Market Value | (+) \$0 |
| Total Market Value | (=) \$260,000 |
| Agricultural Use Reduction | (-) \$0 |
| Timber Use Reduction | (-) \$0 |
| Appraised Value | (=) \$260,000 |
| Homestead Cap. <u>What's this?</u> | (-) \$0 |
| Assessed Value | (=) \$260,000 |

2016 Estimated Taxes

| Entity Name | Tax Rate Per \$100 | Taxable Value | Estimated Taxes | Tax Ceiling Amount |
|-----------------------|--------------------|---------------|-----------------|--------------------|
| Denton County | 0.248409% | \$260,000.00 | \$645.86 | N/A |
| Denton ISD | 1.54% | \$260,000.00 | \$4,004.00 | N/A |
| Shady Shores Town Of | 0.314625% | \$260,000.00 | \$818.03 | N/A |
| Estimated Total Taxes | | | | \$5,467.89 |

Real Estate Sales

| | Show sales that occurred within the past | | |
|---|--|----------------------|----------------------|
| | 6 months | 1 year | 2 years |
| Subject Property Neighborhood: Shady Shores Acres | Link | Link | Link |
| Subject Property Abstract/Subdivision: SD0393A | Link | Link | Link |
| Subject Property City: Shady Shores Town Of | Link | Link | Link |
| Subject Property School District: Denton | Link | Link | Link |

Senate Bill 541

In 2005, Texas passed Senate Bill 541, which prohibits the Denton Central Appraisal District -- and every other Appraisal District in the State of Texas -- from making photographs and floorplans of property available online. Exempted from the restriction will be aerial photographs of five or more separately owned buildings.

[You can read more about S.B. 541 here.](#)

House Bill 394

HB 394 restricts the appraisal district from posting information that indicates the age of a property owner, including information that a property owner is 65 years of age or older, on the appraisal district's website.

[\[Back to Search \]](#)

THE STATE OF TEXAS X
COUNTY OF DENTON X

1501
KNOW ALL MEN BY THESE PRESENTS:

THAT I, *Erskine K. Bludworth*, of the County of Denton, State of Texas, the owner of Shady Shores Acres, Section Two, a part of the Bartlett Eaves Survey, Abstract No. 388, Denton County, Texas, located in the Town of Shady Shores, Texas, do hereby adopt the following as Building and Use Restrictions for the lots situated in Shady Shores Acres, Section Two, and said restrictions shall apply to all lots in said subdivision:

1.

All lots in said subdivision shall be used for residential purposes only, and only one single-family dwelling shall be erected on any lot in said subdivision.

2.

All plans must be approved by *Erskine K. Bludworth*, his heirs or assigns, before improvements are erected. In the event said plans are not rejected within 30 days from the date of their submission, they shall be considered to have been approved.

3.

All construction in Shady Shores Acres, Section Two, shall be new construction. Nothing in this provision shall prevent moving new shell houses on said lots, after approval of plans as hereinbefore provided. No commercial livestock, pets or fowls shall be permitted in said addition.

4.

No structure shall be located nearer than six feet

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to any side lot line or easement line, or less than 25 feet from any front lot line, save and except the provision for side lot lines shall not apply to the interior lot lines where a dwelling is built on two or more lots, and the front lot line restriction shall be not less than 15 feet from any front lot line when applied to Lots Nos. 5, 6, 7, and 8 in Block C, and provided further that the improvements on said Lots Nos. 5, 6, 7, and 8 in Block C shall be located as near as possible to the line of the Government flowage easements imposed on said lots.

5.

Houses located on corner lots may be faced in such direction as to take advantage of the best view of the lake.

6.

Any dwelling or residence erected on any lot must be equipped and connected with sanitary sewer disposal system, or a septic tank of approved design and operation.

7.

No residential lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste, shall be kept in closed containers. All incinerators or other equipment for storage or disposal of such materials shall be kept in a clean and sanitary condition. Lot owners shall keep their lots in reasonably clean and neat condition, and well mowed. In the event any owner shall fail to keep a residential lot mowed, Erskine K. Bludworth or his assigns shall have the right to mow the same at reasonable intervals, and charge the cost of the same to the record owner of said lot.

8.

No boat or boat trailer shall be parked on any residential lot, except behind a minimum setback line, or behind a residential structure.

9.

These restrictions are covenants running with the land, and shall be binding upon all parties and persons claiming under the Grantor herein, until the 1st day of January, 1975, at which time said covenants shall be automatically terminated, unless extended by a majority vote of the then owners of the lots in this subdivision, each owner to be allowed one vote for each lot owned by him.

10.

These restrictions may be amended by consent of the owners of a majority of the lots situated in Shady Shores Acres, Section Two, the owner of each lot being entitled to one vote for each lot owned at the time of the amendment of the restrictions.

11.

If the owner of any lot or lots in said subdivision shall violate or attempt to violate any of the covenants or restrictions herein contained, then it shall be lawful for any person owning real estate in said subdivision to prosecute any proceedings, in law or in equity, against said violators, and to either prevent him or them from so doing, or recover damages for such violations.

12.

Invalidation of any of these covenants by judgment or Court order shall in no manner affect any other provision hereof.

WITNESS MY HAND on this the 20th day of February, A. D. 1963.

Erskine K. Bludworth
Erskine K. Bludworth

THE STATE OF TEXAS X
COUNTY OF DENTON X

BEFORE ME, the undersigned authority, on this day personally appeared Erskine K. Bludworth, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of February, A. D. 1963.



Op Ann Fry
Notary Public in and for
Denton County, Texas

FILED FOR RECORD: 22 day of February A.D. 1963 at 2:45 o'clock P. M.
RECORDED: 6 day of March A.D. 1963 at 9:20 o'clock A. M.
By: Helen Parker Deputy A. J. Barnett, Clerk County Court,
Denton County, Texas

| | | |
|--|---|--|
| <p>LORENA E. BLUDWORTH</p> <p>TO</p> <p>THE PUBLIC</p> | <p>EXTENSION OF BUILDING AND USE RESTRICTIONS FOR SHADY SHORES ACRES SUBDIVISION, SECTION TWO</p> | <p>VOL 730 PAGE 36</p> <p>GEORGE HOPKINS ATTORNEY AT LAW SUITE 710 FIRST STATE BANK BUILDING P. O. BOX 1524 DENTON, TEXAS 76201</p> <p>FILED DEC 19 1974 CLERK</p> <p>3836 De Matus (1/1/74)</p> |
|--|---|--|

FILED FOR RECORD 19th DAY OF December, D. 1974, at 4:29 P.M.
 RECORDED 20th DAY OF December A.D. 1974.
 MARY JO HILL, COUNTY CLERK, DENTON COUNTY, TEXAS.
 BY: Ara Loney DEPUTY.

id map go care



**BUILDING PERMIT APPLICATION
TOWN OF SHADY SHORES**

101 S. SHADY SHORES ROAD (940) 497-2599
TEXAS 75065 SHADY SHORES, TEXAS 76208

This application is for a building permit for the following described work:

C

RESIDENTIAL Type Construction Single Family
(residential, garage, barn, other)
Block C Subdivision Shady Shores
5547 Living Area 3278 1st Floor 1980 2nd Floor 1298
Front Yard 25' Rear Yard 60' Side Yard 24'3" Side Yard 31'2"
Private Well _____ Gas: Natural NO Propane NO Butane NO
elec. Central Heat elec. Fire Place _____
(other) (Gas electric, other)
LCMUA Sewage Septic Tank _____ Aerobic _____

ESTIMATE OF ALL WORK DONE UNDER THIS PERMIT: \$ _____

Permit Number: 1460

Star Homes Address: [Redacted] Denton
Fax: _____ 76210
TUDOR Address: same
576-4880 Fax: same

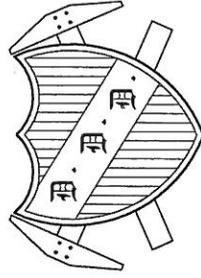
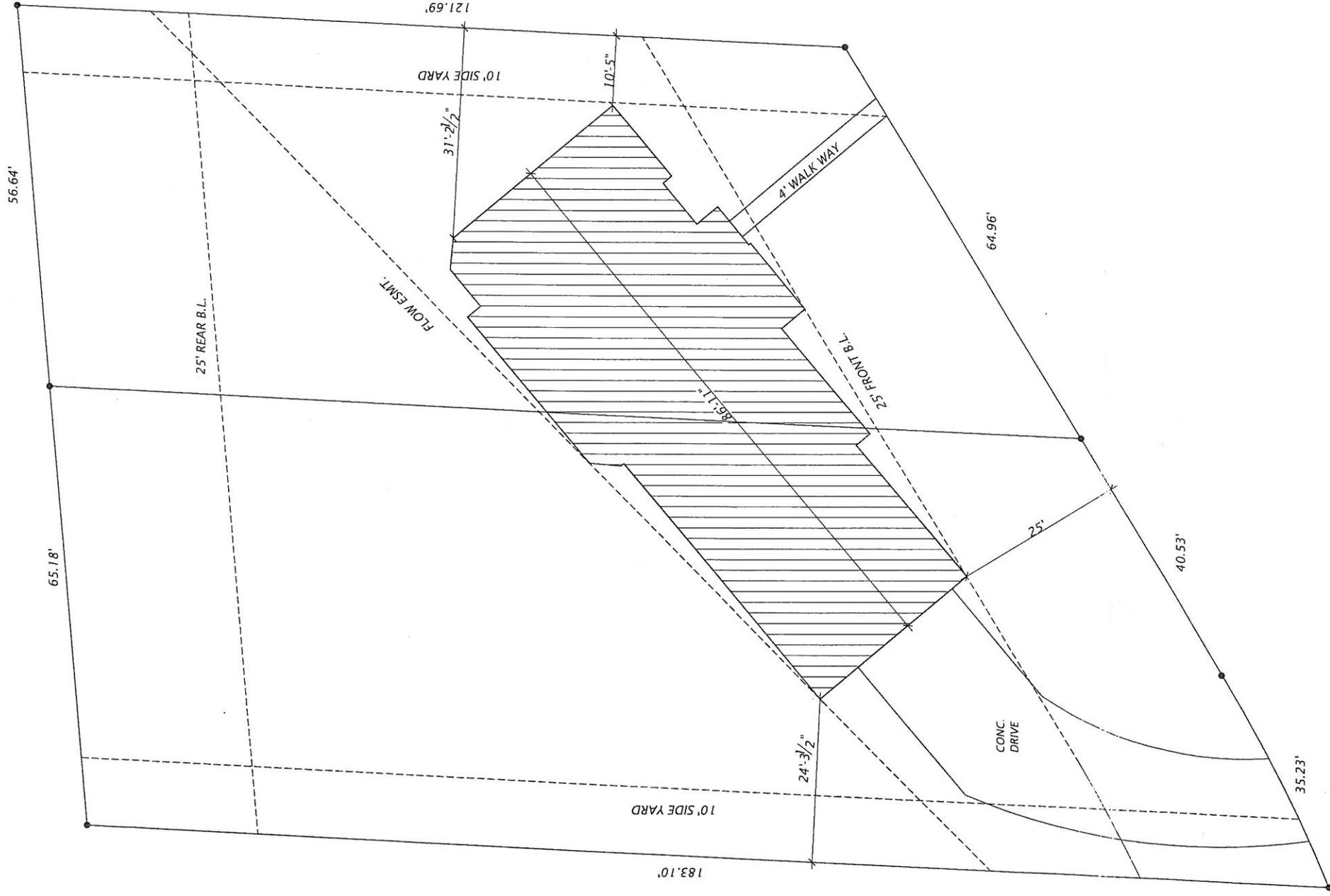
I do hereby agree to comply with the provisions of the ordinances and codes to be complied with, whether herein specified or not. The Town of Shady Shores is liable for construction. Building Codes will be followed.

Signed: [Signature]
(Owner, Builder)

self backs
?

Accepted by: _____ Date: _____

_____ Date: _____



Dotson Drafting & Design

Chris A. Dotson
 4941 AUSTIN CIRCLE
 SANGER, TEXAS 76266
 PH: 940-367-9043

BIG STAR HOMES
 940-239-5046

| | | | |
|--|-------------------------|----------|--------------------|
| Subdivision SHADY SHORES ACRES | A Custom Residence For: | | REVISIONS |
| | MOA PLAN | | |
| Lot 5 & 6 Blk C | Date | 04/24/08 | SCALE: 1" = 20'-0" |
| SHADY SHORES, TEXAS | | | |

TOWN OF SHADY SHORES
P.O. BOX 362
LAKE DALLAS, TX 75065

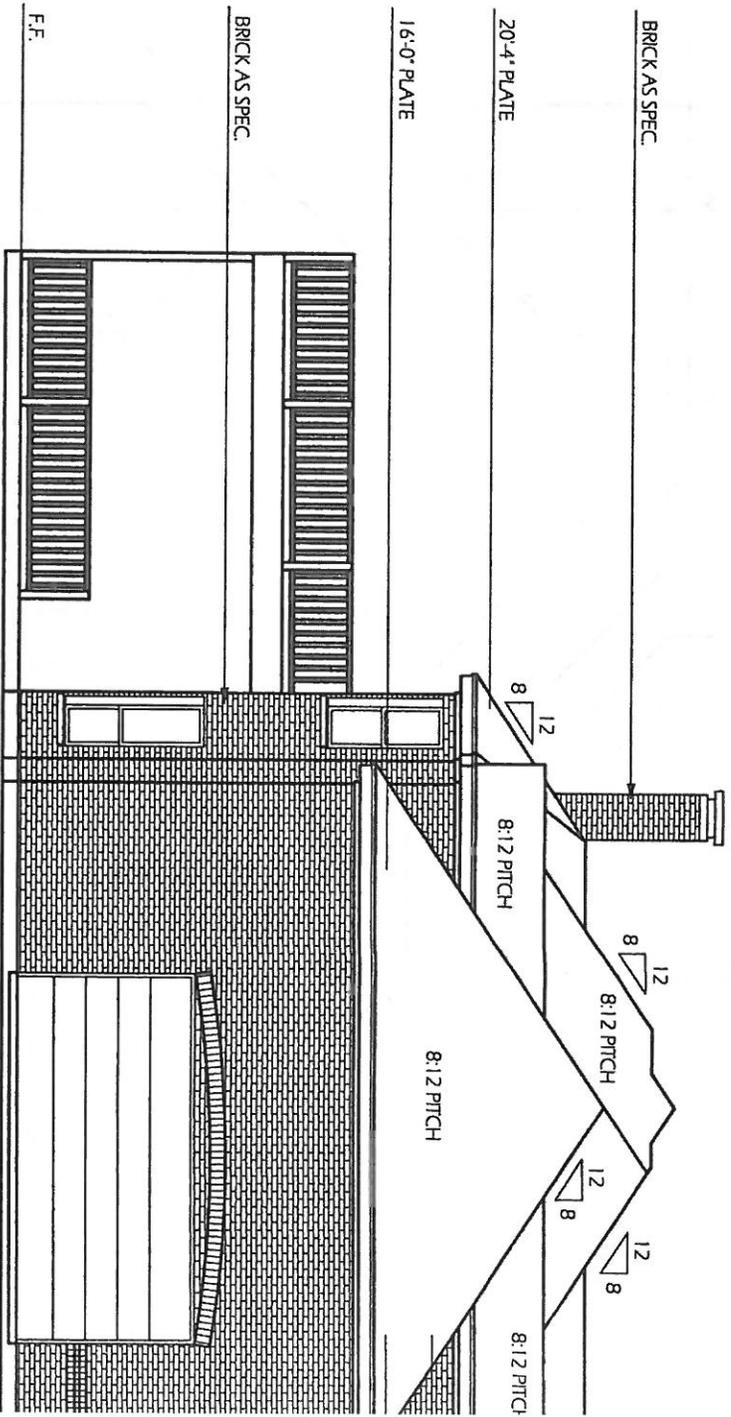
PERMIT NO. 459
1460 DATE: 5-26-2008

APPLICANT: Big Star Homes
P.O. Box
Denton, Texas 76206
ADDRESS: _____

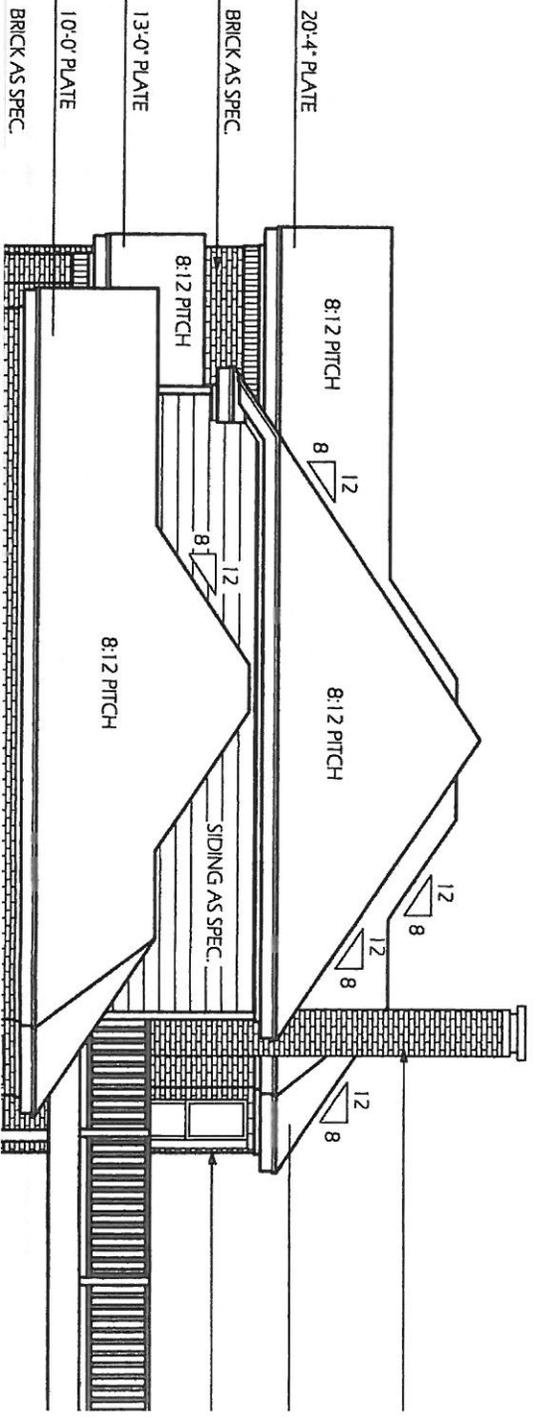
STATEMENT OF FEES

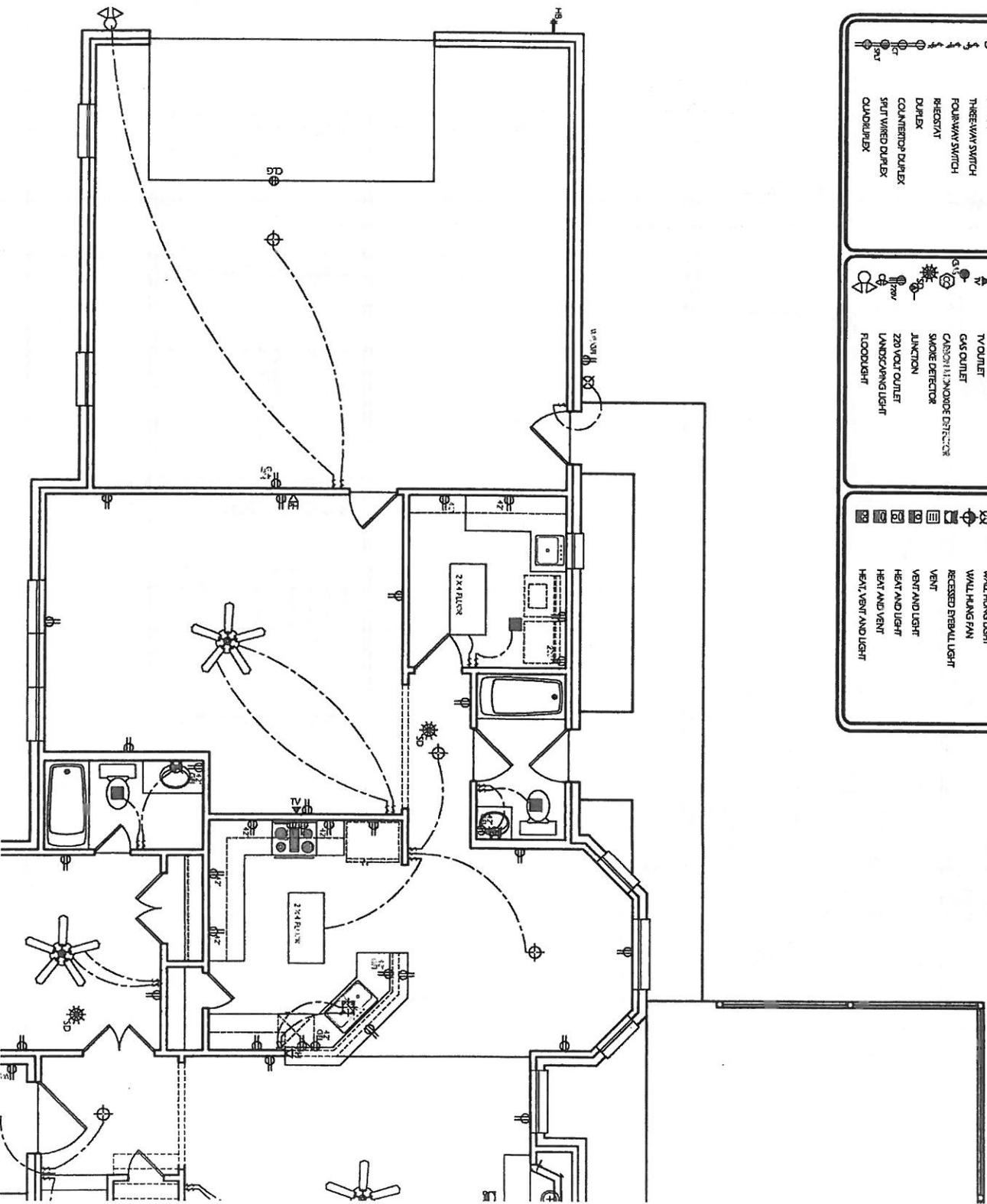
| PERMIT NO. | TYPE | PERMIT COST | INSPECTION COST |
|-------------------|---|-------------------|------------------|
| 1460 | Building Permit | \$ 1130.00 | |
| 806 | Electric Permit | 85.00 | \$ 90.00 |
| 794 | Plumbing Permit | 85.00 | 135.00 |
| 744 | Mechanical Permit | 85.00 | 90.00 |
| 738 | Power Connect | 85.00 | 90.00 |
| 185 | Energy Permit | 85.00 | 90.00 |
| | Inspections: Framing, TR, yard, FE, Final | | 225.00 |
| TOTAL COST | | \$ 1555.00 | \$ 720.00 |

TOTAL AMOUNT DUE: _____
(Permits and Inspections)
266 *2008* \$ 2275.00



LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"





| ELECTRICAL LEGEND | |
|---|--------------------------|
| ⊕ | HOSE BIBB |
| ⊖ | SWITCH |
| ⊕ ⊖ | THREE-WAY SWITCH |
| ⊕ ⊖ ⊕ | FOUR-WAY SWITCH |
| ⊕ ⊖ ⊕ ⊖ | RECESSED |
| ⊕ ⊖ ⊕ ⊖ ⊕ | DUPLEX |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | COUNTERTOP DUPLEX |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | SPAT WIRED DUPLEX |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | QUAD DUPLEX |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | CEILING DUPLEX |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | FLOOR DUPLEX |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | PHONE OUTLET |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | TV OUTLET |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | GAS OUTLET |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | CARBON MONOXIDE DETECTOR |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | SMOKE DETECTOR |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | JUNCTION |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | 220 VOLT OUTLET |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | LANDSCAPING LIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | FLOODLIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | CEILING LIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | RECESSED CEILING LIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ | WALL HANG LIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ | WALL HANG FAN |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊕ | RECESSED BIRDBALL LIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊕ ⊕ | VENT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊕ ⊕ ⊕ | VENT AND LIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊕ ⊕ ⊕ ⊕ | HEAT AND LIGHT |
| ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊖ ⊕ ⊕ ⊕ ⊕ ⊕ ⊕ | HEAT AND VENT |
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(i) Required front, side and rear yards must be open and unobstructed, except for fences, shrubs and trees except as otherwise provided in this section.

(ii) No covered porch, covered terrace or accessory building shall project into the required front, side or rear yard setback area of the lot.

(B) **Side Yard:** For the purpose of side yard regulations, one (1) main building and one (1) or more accessory buildings shall be considered as one (1) building when occupying one (1) lot; provided, however, there shall be a minimum of ten (10) feet between the sides of the buildings on the same lot.

(i) On corner lots there shall be a side yard of not less than fifteen (15) feet, or the minimum side yard required by the district in which the lot is located, whichever is greater, on the street side of the lot. In the case of side street or reversed frontage (where corner lot faces an intersecting street) there shall be a side yard on the street side equal to the front yard on the lots in the rear.

(ii) No accessory building on a corner lot shall be located all or in part in the front or side yard setback areas adjacent to a public street.

(C) **Setback and Side Yard Measurements:** All setback and side yard minimum requirements are measured from the property lines of the lot.

(D) **Height Limit:** No main or miscellaneous (chimneys monuments, cupolas, domes, spires, standpipes, false mansards, and other similar structures) structure shall exceed the height of thirty-five (35) feet measured from the foundation of the house on lots that are at least $\frac{1}{4}$ acre and are within 100 yards of lakefront area.

(i) **Basis of Height Measurements:** The height of a building shall be measured from the finished floor.

(E) **Lot Area:** On any lot held under separate distinct ownership from adjoining lots at the time of passage of this ordinance, such separately owned property being of record at the time, a single family dwelling may be erected even though the lot be of less area than required by the regulations relating to lot area; provided, however, that in any event the combined area of the dwelling and accessory building shall not cover more than forty (40) percent of the total area of the lot.

(F) **Drainage:** Subdivisions and lots shall have a registered engineer's storm



Agenda Memo

To: Mayor Cindy Aughinbaugh and Town Council Members

From: Wendy Withers, Town Secretary

cc: Jim Shepherd, Town Attorney

Date: 11/9/2016

Re: Variance Request 150 Whippoorwill

ACTION REQUESTED: Grant or deny a variance to the side yard setbacks for 150 Whippoorwill.

BACKGROUND: Mr. and Mrs. Kyle Shipp are building a new home at 150 Whippoorwill. They are requesting a variance to the side yard setbacks. The Subdivision Ordinance requires 10' side yard setbacks. Mr. and Mrs. Shipp are requesting an 8' setback on the south side of the property for the garage they are building.

Letters have been mailed to property owners, and to date one response in favor of the request has been received.

ZONING VARIANCE APPLICATION

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

I/WE, the undersigned owner(s) (Print) Kyle & Sheila Shipp
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:

8' Side Setback for Garage instead of 10'

The said property is located at: (Address) 150 Whippoorwill Cir.

Legal description: Survey _____ Abstract _____

Lot _____ Block _____ Total Acreage _____

Said property is currently zoned: R-2000

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

Explanation of hardship:
SEE ACCOMPANYING COVER LETTER.

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.

Kyle Shipp
SIGNATURE(S)

10-31-16
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: 10/31/2016
Receipt #: 663334
Check #: 141
Received by: Wendy Wiles



TOWN OF SHADY SHORES

PO Box 362
Lake Dallas, TX 75065-0362
Phone: 940-498-0044 Fax 940-497-2597
www.shady-shores.com

Building Permit Application

I hereby submit this application for a building permit for the following described work:

3 CAR DETACHED GARAGE/Hobby/SHOP

Building Use Storage/Hobby Type of Construction BRICK, STONE 2X4 FRAMING

| | | |
|--|------------------------|---|
| Legal Description: | | |
| Lot: _____ | Block: _____ | Subdivision: _____ |
| Other: _____ | | |
| Size of Building: _____ | Living Area: _____ | 1 st Floor: _____ 2 nd Floor: _____ |
| Set backs: Front yard _____ | Rear yard _____ | Side yard _____ Side yard _____ |
| Water: LCMUA _____ | Private Well _____ | Gas: Natural _____ Propane _____ Butane _____ |
| Air Conditioner: _____ | Central Heat _____ | Fire Place _____ |
| (gas, electric, other) | (Gas, electric, other) | |
| Sewage Disposal: LCMUA Sewage _____ | Septic Tank _____ | Aerobic _____ |
| Total Evaluation of all work under this permit: \$ _____ | | |
| Fee: \$ _____ | Permit Number: _____ | |

Owner: Kyle Shipp Address: 150 Whippoorwill Cir.
City, State, Zip Code: [REDACTED] SHADY SHORES, TX 76208
Telephone #: _____ Fax: _____

Contractor: _____ Address: _____
City, State, Zip Code: _____
Telephone: _____ Fax: _____

Plumber: _____ Address: _____
City, State, Zip Code: _____
Telephone: _____ Fax: _____

Electrician: _____ Address: _____
City, State, Zip Code: _____
Telephone: _____ Fax: _____

Mechanical: _____ Address: _____
City, State, Zip Code: _____
Telephone: _____ Fax: _____

I, the undersigned, do hereby agree to comply with the provisions of the ordinances and the State Law will be complied with, whether herein specified or not. The Town of Shady Shores will not be liable for construction. Building Codes will be followed.

Signed: Kyle Shipp Signed: _____
(Owner) (Contractor)

Application Approved by: _____ Date: _____
Permit Issued: _____ Date: _____
Permit Number _____ Expires: _____

October 27, 2016

Town of Shady Shores

P.O. Box 362

Lake Dallas, TX 75065

Re: Request for building permit for detached garage

Gentlemen:

Please accept this letter and the accompanied documents as a request for a building permit for a 786 square foot detached garage on my residential lot at 150 Whippoorwill Circle in the Chaparral Estates subdivision in Shady Shores. My present home is also under construction on the same lot and pictures of it are included for your review. This home is projected to be complete by the end of December 2016.

The exterior of the building will be of brick and stone to match the existing home presently under construction with the exception of the back or south wall which will be of concrete or cement Hardy Board 4X8 sheets and painted to match home exterior colors.

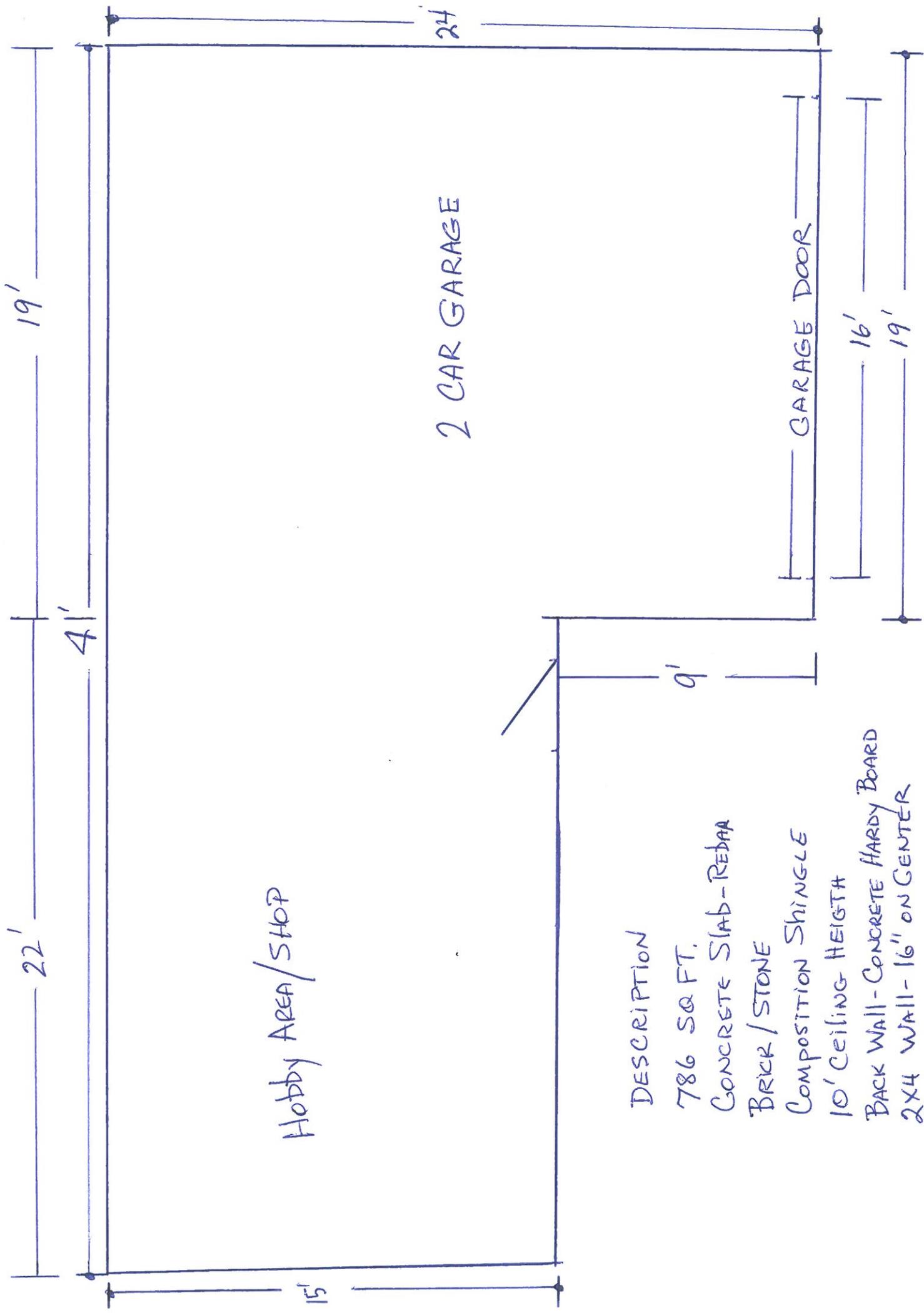
My request is also that the building's south wall be 8' from the property line. This is the exact same measurement that my neighbor to the south has his detached garage from the property line and is necessary to save certain established trees and provide the necessary distance from the garage in the existing home under construction to allow for the necessary swing when backing in or exiting boat/trailers. The detached garage will share the same driveway and garage approach to the existing home under construction. This south property line location of the detached garage also makes sense because of the neighbor's location of his out buildings consisting of a two story detached garage and wooden deck and hot tub which is on his north property line.

My plan is to pour the slab for this building relatively soon but before the driveway and sidewalks are poured for the existing home under construction. This would prevent heavy concrete trucks from backing in on an existing driveway and damaging it if the slab was poured later.

My wife, Sheila and I have lived in Shady Shores for 35 years at 155 Whippoorwill which is next door to the subject property. Just downsizing and modernizing a little at this stage in our lives.

Sincerely,


Kyle Shipp



DESCRIPTION

- 786 SQ. FT.
- CONCRETE SLAB-REBAR
- BRICK / STONE
- COMPOSITION SHINGLE
- 10' CEILING HEIGHT
- BACK WALL - CONCRETE HARDY BOARD
- 2X4 WALL - 16" ON CENTER



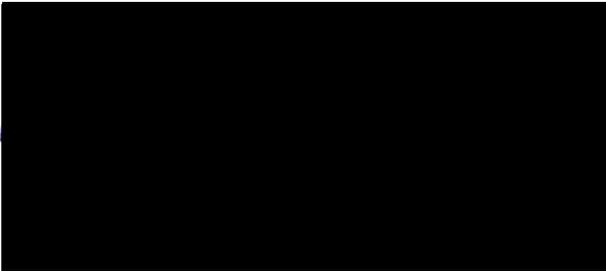
SIMILAR ELEVATION

✓ BRICK & STONE EXTERIOR

Kyle Shipp

150 WHIPPOORWILL CR.

SHADY SHORES, TX.





All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the G. Walker Survey, Abstract number 1330 and also being the same tract of land conveyed to Kyle Ship as Tract B One in deed recorded in Volume 883, Page 593, Deed Records, Denton County, Texas and being more fully described by meter and bounds as follows:

BEGINNING 1/4 inch iron pipe found in the West line of Whippoorwill Circle, same being the Northeast corner of a called 1.122 acre tract of land conveyed to Marice M. Pearson and wife, Jane Pearson by deed recorded in Volume 945, Page 280, Deed Records, Denton County, Texas:

THENCE along the common line of said 1.122 acre tract and this tract, South 84 degrees 29 minutes 34 seconds West, 274.72 feet to a capped iron rod stamped "KAZ" at the Northwest corner of said 1.122 acre tract;

THENCE North 03 degrees 43 minutes 28 seconds West, 200.00 feet to a 1/2 inch iron rod found;

THENCE North 86 degrees 48 minutes 49 seconds East, 270.14 feet to a capped iron rod found stamped "KERN" in the West line of the aforementioned Whippoorwill Circle, also being in a curve to the left whose long chord bears, South 28 degrees 25 minutes 41 seconds East, 33.10 feet;

THENCE along said West line and along a curve whose radius is 50.00 feet and an arc length of 33.70 feet to a 1/2 inch iron rod found;

THENCE continuing along said West line, South 00 degrees 21 minutes 04 seconds East, 159.14 feet to the PLACE OF BEGINNING and containing 1.24 acres of land more or less.

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the City of Shady Shires, Community Number 481135 effective date 4-18-2011 and that map indicates as sealed, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 395 G of said map.

NOTE: This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 01-12-2016. There are no visible or apparent intrusions or protrusions except as shown hereon.



KAZ SURVEYING

1720 WESTMINSTER
DENTON, TX 78205
(940)362-3446

JOB NUMBER: 16001001
DRAWN BY: GD & JMT
DATE: 01-19-2016
R.P.L.S.
KENNETH A. ZOLLINGER



EXISTING HOME UNDER CONSTRUCTION.

NEIGHBOR TO THE SOUTH.
8' FROM PROPERTY LINE.



Prop
Line —
Stake







NEIGHBOR TO THE SOUTH
Deck & Hot Tub Structure



November 2, 2016

Hulstrand, Peter M & Randena
159 Cardinal Circle Tx
Shady Shores, TX 76208

RE: Variance Request 150 Whippoorwill

Dear Property Owner:

The Shady Shores Zoning Board of Adjustments will meet on November 14, 2016 at 6:30 pm to consider and take action relative to a variance request made by Kyle Shipp for the property known as 150 Whippoorwill. Records indicate that 150 Whippoorwill is located within 200' of your property. Mr. Shipp is requesting a variance to the side yard setback. The current required side-yard setback is 10'; Mr. Shipp is requesting an 8' setback in order to place a detached garage on his property.

If you have any questions, regarding this request please contact me at 940.498.0044 or by email at town.secretary@shady-shores.com.

Sincerely,

Wendy Withers, TRMC, CMC
Town Secretary
Town of Shady Shores

no objection

THX
PWA
11.7.16

Town of Shady Shores
PO Box 362
Lake Dallas, TX 75065
(940) 498-0044 phone
(940) 497-2597 fax
www.shady-shores.com