



**TOWN OF SHADY SHORES
ZONING BOARD OF ADJUSTMENTS
SPECIAL CALLED MEETING
NOVEMBER 29, 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 November 14, 2016, Zoning Board of Adjustments meeting.

Documents:

[ZBA 11.14.2016 - MEETING.PDF](#)
[ZBA 11.14.2016.PDF](#)

4. 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 11.22.2016.PDF](#)
[VARIANCE REQUEST SHIPP_REDACTED.PDF](#)
[RESPONSE TO VARIANCE.PDF](#)

5. 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
SPECIAL CALLED MEETING
NOVEMBER 14, 2016, 6:30 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

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

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

1. CALL TO ORDER

Mayor Aughinbaugh called the meeting to order at 6:33 pm.

2. ROLL CALL

Establish a Quorum.

Mayor Aughinbaugh called the roll and a quorum was established for the record.

3. MINUTES:

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

Documents:

1. [ZBA MINUTES 06.13.2016.PDF](#)

Paula Woolworth made a motion to approve the minutes of the June 13 2016 Zoning Board of Adjustments Meeting. Tom Newell seconded the motion.

DISCUSSION: None

AYES: GRIMES, HAINES, NELSON, WOOLWORTH, NEWELL

NAYS: NONE

The motion passed unanimously.

4. 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- The Mayor opened the public hearing at 6:34 pm.
- B. Applicant- Kevin Brown spoke on behalf of the applicant.
- 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- The Mayor closed the public hearing at 6:36 pm.

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:

- 1. [AGENDA MEMO 200 COVE DRIVE.PDF](#)
- 2. [VARIANCE REQUEST REDACTED.PDF](#)
- 3. [BIG STAR HOMES SURVEY.PDF](#)
- 4. [ORIGINAL BUILDING PERMIT DOCUMENTS 200 COVE.PDF](#)
- 5. [SUBDIVISION ORDINANCE EXCERPT.PDF](#)

Tom Newell made a motion to approve the request for a variance to the side yard setback lines for 200 Cove. Charles Grimes seconded the motion.

DISCUSSION: None

AYES: GRIMES, HAINES, NELSON, WOOLWORTH, NEWELL

NAYS: NONE

The motion passed unanimously.

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- The Mayor opened the public hearing at 6:43 pm.
- B. Applicant- Kyle Shipp, the applicant stated that he would like a variance so that he could easily get his boat in the workshop. The would also like to preserve the trees in the area.
- 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- The Mayor closed the public hearing at 6:46 pm

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:

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

Mayor Pro Tem Woolworth questioned why he couldn't meet the setback requirements as it seemed that he had plenty of room. Mr. Shipp indicated that they would have to take out several large trees if they did that. Allowing the setback variance would leave part of the view that his neighbors were used to looking at.

Councilmembers also questioned why the house wasn't moved farther over so that the storage building could be placed correctly on the lot.

Council took a t short recess at 7:06 pm in order for staff to review building permits to determine if the accessory building owned by Marce Pearson had a concrete foundation.

Council reconvened and the Town Secretary indicated they were unable to find a building permit from the original construction of Mr. Pearson's accessory structure.

Matthew Haines made a motion to table this agenda item until council could visit the property and review the structure next door to 150 Whippoorwill. Charles Grimes seconded the motion.

DISCUSSION: NONE

AYES: GRIMES, HAINES, NELSON, WOOLWORTH, NEWELL

NAYS: NONE

The motion passed unanimously.

8. ADJOURN

Charles Grimes made a motion to adjourn. Matthew Haines seconded the motion.

DISCUSSION: None

AYES: GRIMES, HAINES, NELSON, WOOLWORTH, NEWELL

NAYS: None

The motion passed unanimously. The meeting was adjourned at 7:16 pm.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2016

APPROVED:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Secretary



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

MINUTES

The meeting was called to order at 6:30 p.m. by Cindy Aughinbaugh, presiding officer.

AGENDA ITEM:

1. 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.

Legal Briefing by City Attorney Jim Shepherd.

Tom Newell made a motion to approve the variance to the 15' required side-setback for 200 Cove Drive, Shady Shores, Texas. Charles Grimes seconded the motion.

BOARD MEMBER	IN FAVOR	OPPOSED	NOT VOTING	ABSENT
Cindy Aughinbaugh, Mayor			X	
Paula Woolworth, Mayor Pro Tem	X			
Jack Nelson	X			
Matthew Haines	X			
Charles Grimes	X			
Tom Newell	X			

The motion was passed unanimously

AGENDA ITEM:

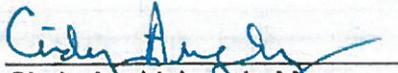
2. Consider and take action relative to a request made by Kyle and Sheila Shipp for a variance to

the side yard setbacks. The applicant is requesting permission to build 8' setback instead of the 10' setback as required in the Subdivision Ordinance.

There was no action taken on this agenda item and council will reconsider at the next called meeting scheduled for November 29th, 2016.

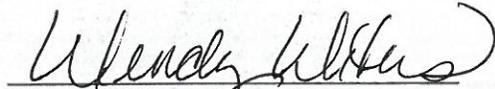
Meeting adjourned at 7:16 p.m.

Approved by:


Cindy Aughinbaugh, Mayor

11-15-16
Date

Attest:


Wendy Withers, Town Secretary



(THESE MINUTES ARE TO BE FILED WITH THE CITY SECRETARY PROMPTLY ON THEIR APPROVAL BY THE CHAIRPERSON)



Agenda Memo

To: Mayor Cindy Aughinbaugh and Town Council Members

From: Wendy Withers, Town Secretary

cc: Jim Shepherd, Town Attorney

Date: 11/22/2016

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. The Zoning Board of Adjustments (Town Council) met in a special called session on November 14, 2016, the action item was tabled until council members could visit the site and verify that the neighbors shed did in fact have a concrete foundation.

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: _____ 1st Floor: _____ 2nd 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: 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 (Owner) Signed: _____ (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.

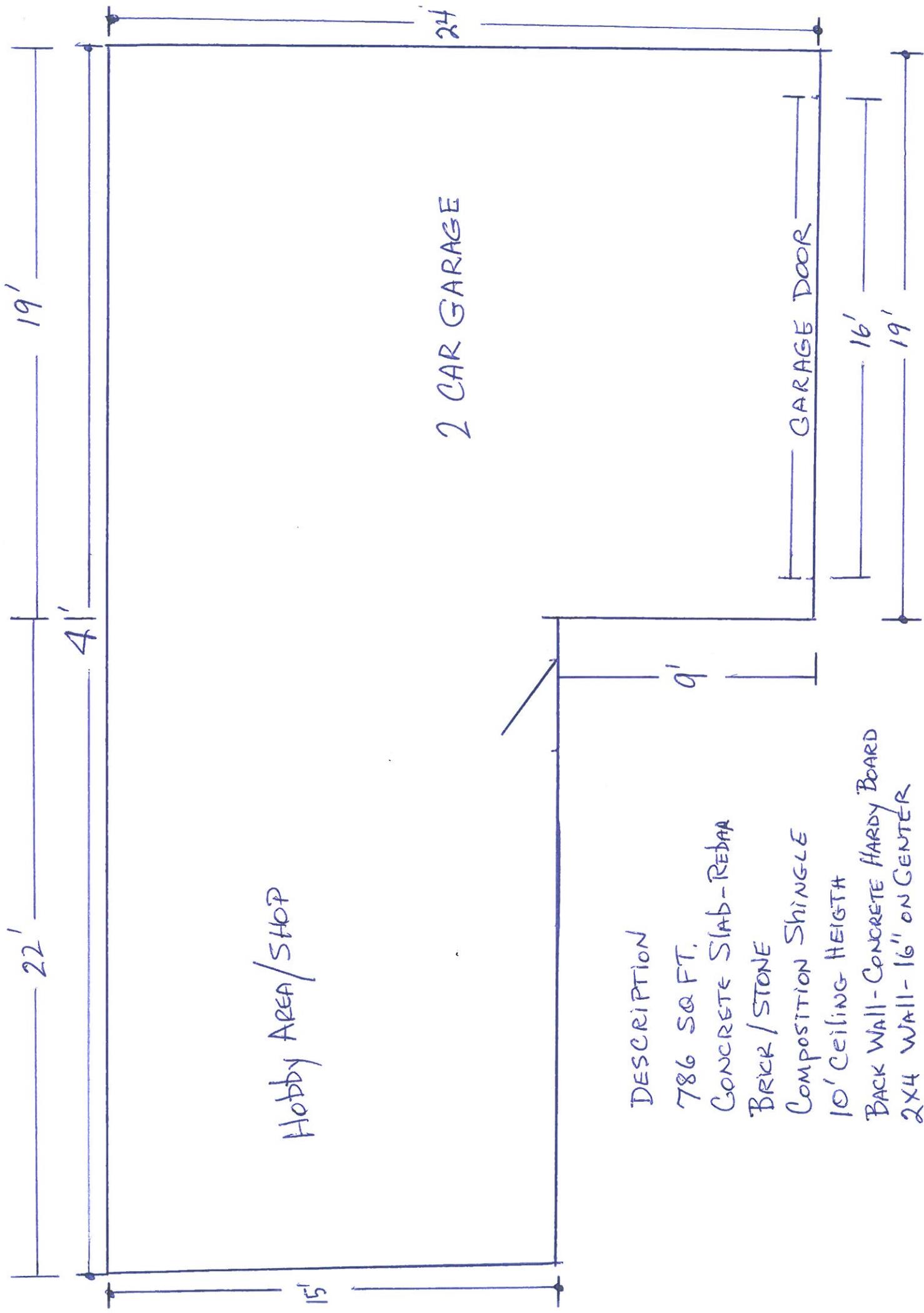
My request is also that the building's south wall be 8' from the property line. This is the exact same measurement that my neighbor to the south has his detached garage from the property line and is necessary to save certain established trees and provide the necessary distance from the garage in the 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



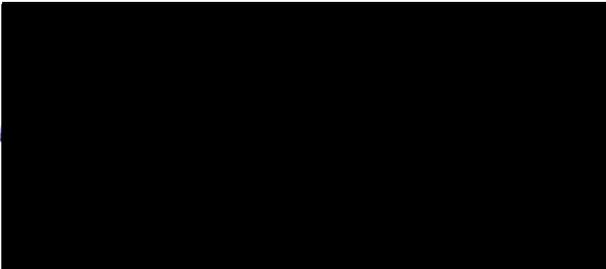
SIMILAR ELEVATION

✓ BRICK & STONE EXTERIOR

Kyle Shipp

150 WHIPPOORWILL CR.

SHADY SHORES, TX.





CURVE DATA	
L = 33.70	
P = 52.00	
C-B = 5.28	25.41' E
ChD = 53.10	



LEGEND	
	POWER POLE
	ELEVATION
	CALLER SET FROM ROD FOUND
	FLAG OR DEED CALL
	CHAIN LINK FENCE
	STONE

KAZ SURVEYING

1720 WESTMINSTER
DENTON, TX 76205
(940)362-3446

JOB NUMBER: 160010-01
DRAWN BY: GD & JMT
DATE: 01-19-2016
R.P.L.S.
KATHA A. ZOLLINGER



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, S and 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.



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
P/A
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