



SHADY SHORES ZONING BOARD OF ADJUSTMENTS
SEPTEMBER 14, 2020; 6:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208

MINUTES

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location. The meeting was held via Zoom Teleconference Meeting 882 1308 1844.

MEMBERS PRESENT

CINDY AUGHINBAUGH	MAYOR	PRESENT
TOM NEWELL	MAYOR PRO TEM	PRESENT
CHARLES GRIMES	COUNCILMEMBER	PRESENT
MATTHEW HAINES	COUNCILMEMBER	PRESENT
JACK NELSON	COUNCILMEMBER	PRESENT
MIKE NOWELS	COUNCILMEMBER	PRESENT

Staff Present: Wendy Withers, Town Administrator; Amber Schuler, Municipal Court Administrator; Jim Shepherd, Town Attorney

1. CALL TO ORDER

Mayor Aughinbaugh called the meeting to order at 6:00 pm

2. ROLL CALL

Establish a quorum

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

3. MINUTES:

1. Minutes- Consider and act on approval of the minutes of the March 9, 2020 Zoning Board of Adjustments Meeting.

Jack Nelson made a motion to approve the minutes of the March 9, 2020 Zoning Board of Adjustments Meeting. Mike Nowels seconded the motion.

Discussion: None

Ayes: Grimes, Haines, Nelson, Newell, Nowels

Nays: None

The motion passed unanimously.

4. PUBLIC HEARINGS

1. Variance Request 301 E. 7th Street Folks- Conduct a public hearing relative to a request made by Kristin and Chase Folks for a variance to the setback lines and maximum height level for an accessory building built on the property known as 301 E. 7th Street.

2. PUBLIC HEARING – 301 E. 7th Street

- A. Open Public Hearing

- B. Applicant

The applicant Kristin Folks was present and stated that the building was complete on the outside but the electricity and the plumbing was yet to be installed.

- C. Those in Favor

Judith Halaszyn, 303 E. 5th street called the Town Secretary to express her support of the project..

- D. Those Opposed

No one spoke in opposition to the request.

- E. Rebuttal

- F. Close Public Hearing

The public hearing was closed at 6:11 pm.

5. REGULAR AGENDA

1. Variance Request 301 E. 7th Street- Consider and act on approval of a request made by Kristin and Chase Folks for a variance to the minimum setback lines and maximum building height for an accessory structure.

The Commissioners discussed the issues that were currently preventing the Town Staff to issue a permit for the structure. Those issues included:

- 1) The Property should have been replatted before allowing a permit to be issued.
 - 2) The garage building which was already constructed was not in compliance with the current required side-yard setbacks.
 - 3) Work performed on the building was done without licensed contractors specifically the plumbing and electricity.

Mrs. Folks stated that they didn't know they needed permits to construct the building since they were building it themselves and she didn't realize she needed to re-plat property. Mrs. Folks stated she and her husband were willing to do whatever they needed to do to bring the building into compliance.

Councilmember Jack Nelson stated that he had concerns because the structure it didn't comply with anything. Matthew does not like the precedence that it sets.

Councilmember Matthew Haines stated that replatting the lot would not change the underlying issue. Mayor Pro Tem Tom Newell stated that he didn't want to encourage the homeowners to proceed with a replat request without giving them full direction.

Councilmember Mike Nowels proposed several different scenarios to determine if the building could be brought into compliance.

Tom Newell made a motion to approve the variance request if the homeowner completes the following requirements; payment of double the permit fees, replat the property and request a zoning change from R-2000 to Historical Zoning, obtain a building permit and complete the required inspections and provide a hold harmless letter to the Town of Shady Shores for work already completed. Mike Nowels seconded the motion.

Discussion: None

Ayes: Grimes, Nelson, Newell, Nowels

Nays: Haines

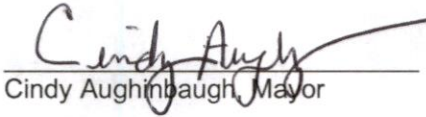
The motion passed 4-1.

6. ADJOURN

The meeting was adjourned at 6:50 pm.

PASSED AND APPROVED THIS THE 12th DAY OF October, 2020.

APPROVED:


Cindy Aughinbaugh, Mayor

ATTEST:




Wendy Withers, Town Administrator/Secretary