



**TOWN OF SHADY SHORES
ZONING BOARD OF ADJUSTMENTS
SPECIAL CALLED SESSION
NOVEMBER 11, 2024; 5:30 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:
 1. Minutes- Consider and act on approval of the minutes of the May 8, 2023 Zoning Board of Adjustments Meeting.
4. PUBLIC HEARINGS
 1. PUBLIC HEARING – Conduct a public hearing relative to a request made by Mike and Katherine Boliver for the property more legally known as 322 Oakwood Circle for a variance to the Town of Shady Shores Code of Ordinances Chapter 14, Article 2.1 (K) (vii) which states: Lot size determines the type and size of accessory structures.
 - A. Open Public Hearing
 - B. Applicant
 - C. Those in Favor
 - D. Those Opposed
 - E. Rebuttal
 - F. Close Public Hearing
5. REGULAR AGENDA
 1. ACTION REGARDING PUBLIC HEARING- Consider and take appropriate action relative to the request made by Mike and Katherine Boliver for a variance to the Zoning Ordinance regarding Accessory Structures.
6. ADJOURN

I, Wendy Withers, Town Administrator 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 6th Day of November, 2024, at 2:18 P.M.

Wendy Withers
Wendy Withers, Town Secretary



SHADY SHORES ZONING BOARD OF ADJUSTMENTS
MAY 8, 2023; 5:30 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208

MINUTES

MEMBERS PRESENT

Cindy Aughinbaugh	Mayor	Present
Tom Newell	Mayor Pro Tem	Present
Charles Grimes	Councilmember	Present
Jeff Belton	Councilmember	Present
Bill Emsoff	Councilmember	Present
Mike Nowels	Councilmember	Absent

Staff Present: Wendy Withers, Town Administrator; Amber Schuler, Municipal Court Administrator; Katie Klein, Community Relations Admin; Jim Shepherd, Town Attorney

1. CALL TO ORDER

Mayor Aughinbaugh called the meeting to order at 5:30 pm.

2. ROLL CALL

Establish a quorum

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

3. MINUTES:

1. Consider and act on approve of the minutes of the Zoning Board of Adjustment meeting minutes from November 7 2022.

A motion was made by Mayor Pro Tem (3), Tom Newell, seconded by Alderman Place 1 Jeff Belton; to approve of the minutes of the Zoning Board of Adjustment from November 7 2022. The motion carried.

Yes: 5 - Charles Grimes, Tom Newell, Mike Nowels, Jeff Belton, Bill Emsoff

No: 0 - None

4. PUBLIC HEARINGS

1. Conduct a public hearing relative to a request made by Rudy Susantio for a variance to the 20' front yard building setback for the property known as 104 Brown Terrace #4.

A) Mayor Aughinbaugh opened the public hearing at 5:33 pm.

B) Those in favor of the request - Mr. Terrance Jarog, 104 Brown Terrace #2 spoke in favor of the request, stating that the lot in question is one of the smallest lots in Keating Kove.

C) Those opposed to the request- Paxton Ellis, 286 Eagle Mountain Drive Lake Dallas, TX 75065-2956 stated that he was in opposition to the proposal, he is building a home next to the property in question and owns lots on either side. Mr. Ellis was opposed to the fact that the original deed restrictions were being used to determine the setback lines.

D) The Applicant was not present

E) Mayor Aughinbaugh closed the public hearing at 5:37 pm.

5. REGULAR AGENDA

1. Action Regarding Public Hearing- Consider and act on approval or denial of the request made by Rudy Susantio for a variance to the front yard setback from 20' to 10'.

Mayor Aughinbaugh expressed concerns about the parking for this lot. Mayor Aughinbaugh stated she was concerned because the road was already quite small and even with the 20' setback for a garage and driveway space for a minimum of 2 it really wouldn't resolve the issue when the property owner had guests.

Councilmember Charles Grimes stated that he did not feel that this was a hardship as the house was too big for the lot and stated that he felt the applicant should come up with a plan that would fit the size of the lot.

A motion was made by Alderman Place 5 Charles Grimes, seconded by Alderman Place 1 Jeff Belton to deny the request made by Rudy Susantio for a variance to the front yard setback from 20' to 10'. The motion carried.

Yes: 4 - None Grimes, Belton, Emsoff, Newell

No: 0 - None

6. ADJOURN

The meeting was adjourned at 5.41 pm.

Passed and approved this the _____ day of _____, 2023.

APPROVED:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Administrator/Secretary



AGENDA MEMORANDUM

DATE: November 11, 2024

TO: Zoning Board of Adjustment

FROM: Wendy withers, Town Administrator

SUBJECT: **PUBLIC HEARING – Conduct a public hearing relative to a request made by Mike and Katherine Boliver for the property more legally known as 322 Oakwood Circle for a variance to the Town of Shady Shores Code of Ordinances Chapter 14, Article 2.1 (K) (vii) which states: Lot size determines the type and size of accessory structures.**

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

There are currently three accessory structures located on the property, a carport, a patio cover and an accessory building (which were in existence prior to the passage of the current Ordinance). The Boliver's would like to remove the existing accessory structure and replace it with a new structure. The proposed new structure is 13X30X16 and would be considered a Type 2 accessory structure. A copy of the proposed building materials and dimensions is attached.

The current Ordinance allows the following for lots that are less than 1 acre:

Lot Size	Building Type	Total Square Footage	Building Type	Total Square Footage	Note
1 to less than 2 acres	Type 1 or Type 2	Not to exceed 2000	Type 3	Not to exceed 300	Must have Ag. exemption
2 to less than 5 acres	Type 1 or Type 2	Not to exceed 4500	Type 3	Not to exceed 300	Must have Ag. exemption
5 or more acres	Type 1 or Type 2 (four total)	*not to exceed 10% of the lot size	Type 3	Not to exceed 300	

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. Boliver Mike 322 Oakwood Circle
2. Boliver Current Shed pic 1
3. Boliver Pergola
4. Survey 322 Oakwood Circle
5. Boliver Future Shed

REVIEWED BY:

ZONING VARIANCE APPLICATION

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

I/WE, the undersigned owner(s) (Print) Mike + Katherine Boliver
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:

The said property is located at: (Address) 322 Oakwood Cir

Legal description: Survey Lake Shore Park Abstract SN/CON 3A Lake Shore Park

Lot 26 Block _____ Total Acreage .22

Said property is currently zoned: Residential

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

Building a new shed in the same location
of current shed.

Explanation of hardship:

We are wanting to tear down and rebuild our
shed. due to zoning ordinances we have ~~had~~ been
told we can not. we are also wanting to tear down our
Perogia.

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.

M. Boliver
SIGNATURE(S)

9.26.2024
DATE

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: _____

What is a zoning variance?

A zoning variance is permission granted by the Board of Adjustment to waive or alter a requirement of the zoning ordinance. The Board of Adjustment can adjust the standards of the zoning ordinance where exceptional and extraordinary circumstances apply to a property. This exceptional and extraordinary circumstance is known as a *hardship*. The Board can vary the strict application of height, area, setback, yard, parking, or density requirements of the zoning ordinance.

When could a variance be granted?

A variance is granted when a hardship associated with a property is preventing the property from meeting the requirements of the zoning ordinance. Zoning regulations are intended to preserve and protect property uses and values, and to promote health and general welfare. Therefore, provisions of the zoning ordinance should be universally applied. However, sometimes there are extraordinary conditions at a particular property. Due to this peculiar circumstance, carrying out the strict letter of the zoning ordinance would render the property useless. A variance can be granted after an analysis focused on particular conditions and circumstances of a specific property.

What is a hardship?

There are special conditions attached to the property that do not generally apply to other properties in the area. Special conditions can involve the size, shape, topography or general location. There is a physical constraint which is unique to a property. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship is a characteristic of the property, not the person.

A literal enforcement of the provisions of the zoning ordinance will result in an unnecessary hardship. For example, it must be demonstrated that a strict enforcement of the ordinance would prohibit the development of the property or no reasonable use of the property can be made. It is not sufficient that the requirement would make the property less profitable or marketable.

The variance request is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other property in the same zoning district. For example, it must be demonstrated to the Board that you are seeking a property right that is generally enjoyed by other property owners in the same zoning district, not some additional privilege not generally enjoyed by others in the area.

The spirit of the zoning ordinance is observed and substantial justice is done. For example, variances cannot be granted which would be contrary to the public interest or that would pose a threat to the public health and safety such as fire safety, structural stability, clearance, preservation of air, light or open space, and visual or aesthetic concerns.

What is not a hardship?

Economic hardships. For example, adding more units to a building than allowed can generate more income and make the project more economically feasible.

Self-Created hardships. Conditions that are created as a result of action by the applicant or owner and not as a result of the land.

Personal hardships. Conditions personal to the owner of the land (ie. person's health, age, family conditions, desires, or other personal needs), not conditions especially affecting the lot in question.

ZONING VARIANCE PROCESS FLOWCHART

(process in its entirety can be found in Zoning Ordinance 256, Article 3.7 Board of Adjustment)

Following a decision of the Zoning Board of Adjustment, the applicant has 180 days in which to apply for and receive a building permit for the development plans for which a variance was granted.

An applicant may not submit a request for the same variance for a minimum period of 6-months, unless the conditions of the property substantially change within that 6-month period.

Property Details

Account			
Property ID:	99077	Geographic ID:	SM0003A-000000-0000-0026-0000
Type:	Real		
Property Use:		Condo:	
Location			
Situs Address:	322 OAKWOOD CIR SHADY SHORES, TX 76208-5212		
Map ID:	SS01	Mapsco:	
Legal Description:	LAKE SHORE PARK LOT 26		
Abstract/Subdivision:	SM0003A - LAKE SHORE PARK		
Neighborhood:	DC34019		
Owner			
Owner ID:	1063063		
Name:	BOLIVER, RON MICHAEL & KATHERINE		
Agent:	APPRAISAL PROTEST (1015611)		
Mailing Address:	322 OAKWOOD CIR SHADY SHORES, TX 76208-5212		
% Ownership:	100.00%		
Exemptions:	HS - Homestead For privacy reasons not all exemptions are shown online.		

Property Values

Improvement Homesite Value:	\$214,000 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$90,000 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$304,000 (=)
Agricultural Value Loss:?	\$0 (-)
Appraised Value:	\$304,000 (=)
HS Cap Loss/Circuit Breaker: ?	\$73,010 (-)
Assessed Value:	\$230,990
Ag Use Value:	\$0

Information provided for research purposes only. Legal descriptions and acreage amounts are for Appraisal District use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

 Property Taxing Jurisdiction

Owner: BOLIVER, RON MICHAEL & KATHERINE **%Ownership:** 100.00%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
C34	SHADY SHORES TOWN OF	0.299801	\$304,000	\$225,990	\$677.52	
CAD	DENTON CENTRAL APPRAISAL DISTRICT	0.000000	\$304,000	\$230,990	\$0.00	
G01	DENTON COUNTY	0.189485	\$304,000	\$225,990	\$428.22	
S08	LAKE DALLAS ISD	1.257500	\$304,000	\$130,990	\$1,647.20	
W02	LAKE CITIES MUA	0.000000	\$304,000	\$230,990	\$0.00	

Total Tax Rate: 1.746786

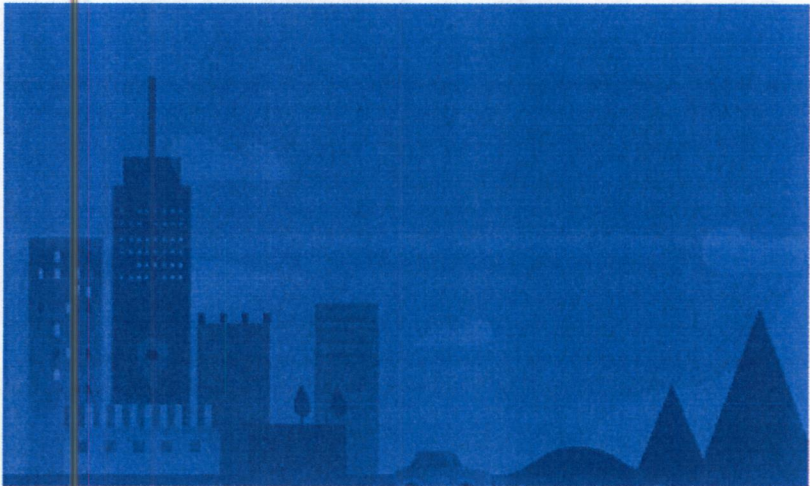
Estimated Taxes With Exemptions: \$2,752.94

Estimated Taxes Without Exemptions: \$5,310.23





Imagery ©2024 Airbus, Map data ©2024 Google 20 ft



322 Oakwood Cir

Building

- 

Directions
- 

Save
- 

Nearby
- 

Send to
phone
- 

Share

 322 Oakwood Cir, Shady Shores, TX 76208

SURVEY PLAT

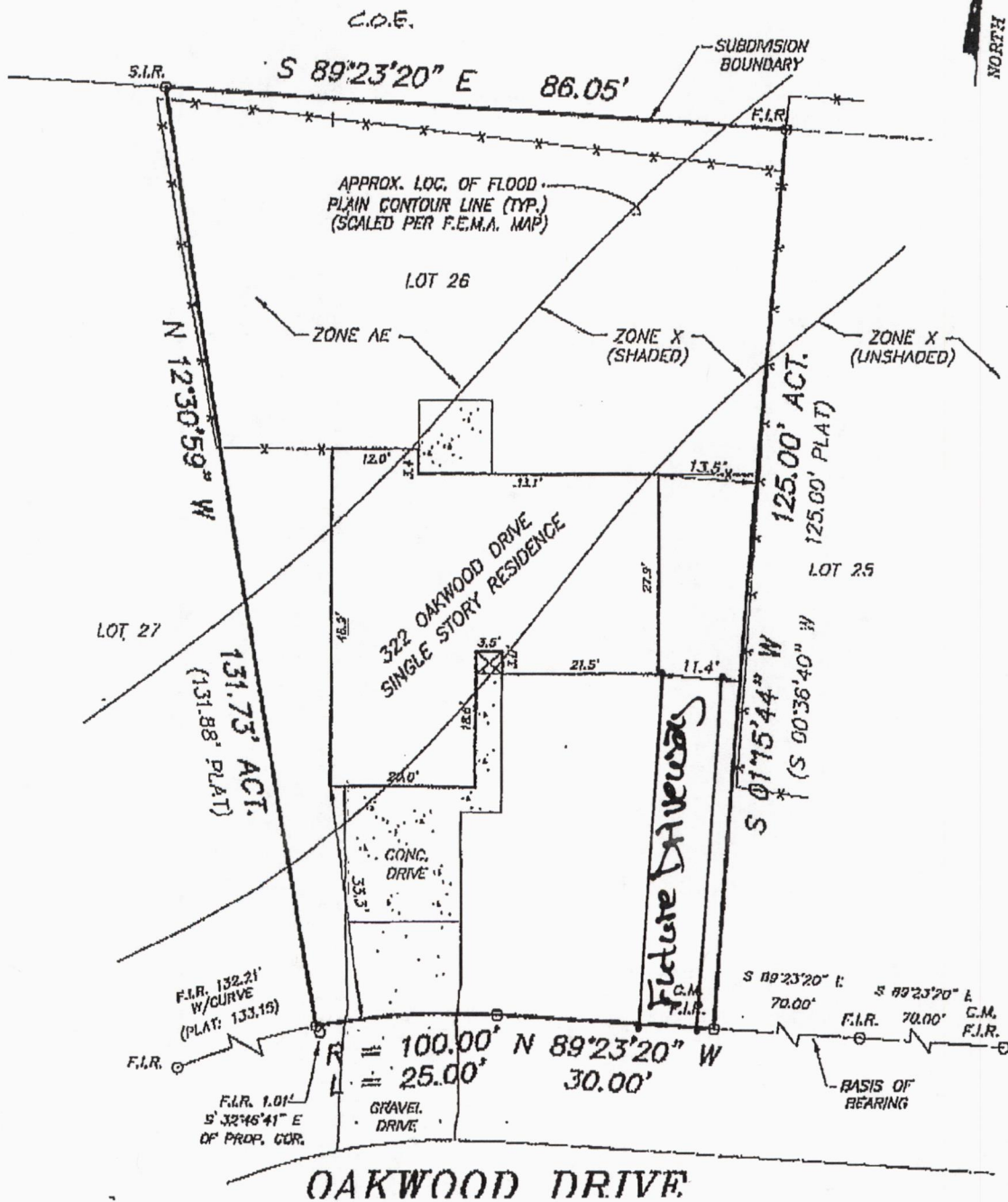
NO. 322 OAKWOOD DRIVE ; IN THE TOWN OF SHADY SHORES, TEXAS, DESCRIBED
AS FOLLOWS:

LOT NO. 26, BLOCK NO. --- OF LAKE SHORE PARK ADDITION
AN ADDITION TO THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS ACCORDING

TO THE PLAT THEREOF RECORDED IN VOLUME 3 AT PAGE 6 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS.

NOTE: BASIS OF BEARING IS THE NORTH LINE OF OAKWOOD DRIVE.

LEGEND: C.M. - CONTROLLING MONUMENT; F.I.R. - FOUND IRON ROD; S.I.R. - SET IRON ROD; F.I.P. - FOUND IRON PIPE; F.C.P. - FENCE CORNER POST.



Mueller Inc. 3D Design Tool

Project Specifications

Project Email: bolivermike@yahoo.com
Project Name: **New Project 9-27-2024**
Project Date: **2024-09-27 08:55:11**

Customer Mailing Address

(only visible to logged in user, not visible if project shared)

Mike Boliver

322 Oakwood Cir
Shady Shores, TX 76208 Phone/Email: 214-725-5833/bolivermike@yahoo.com

Building Details

Basics (in ft.)

width X length X height: **13 X 30 X 16**
Pitch: **2**
Overhang sides: **0**
Overhang end: **0**
Gutter: no
Single slope: false

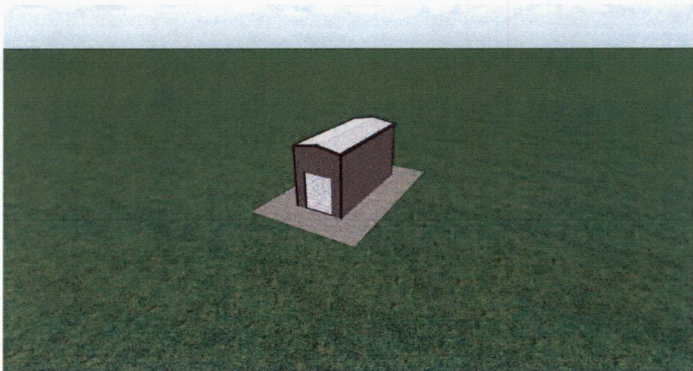
Colors

Wall Liner Panels: none
Wall: Saddle Leather Brown
Roof: Bright White
Trim: Coco Brown
Roll up: Bright White

Accessories

Insulation: no
Translucent Panel Qty: 0

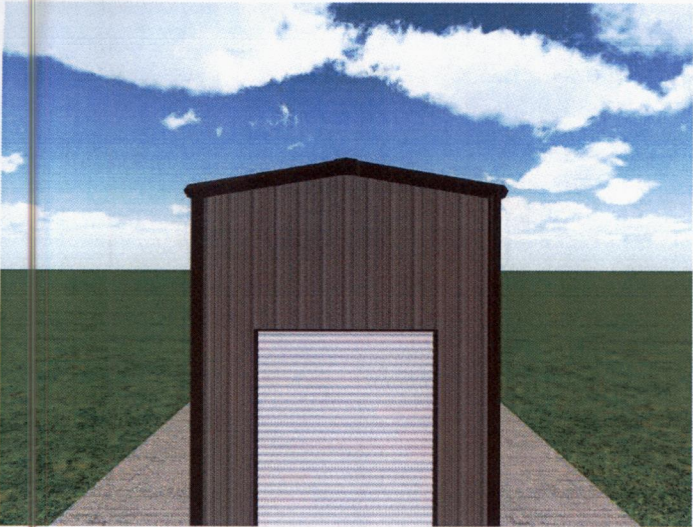
Rollup_8x10, wall: front , horizontal: 0, vertical: 5
Door_4x7, wall: left , horizontal:



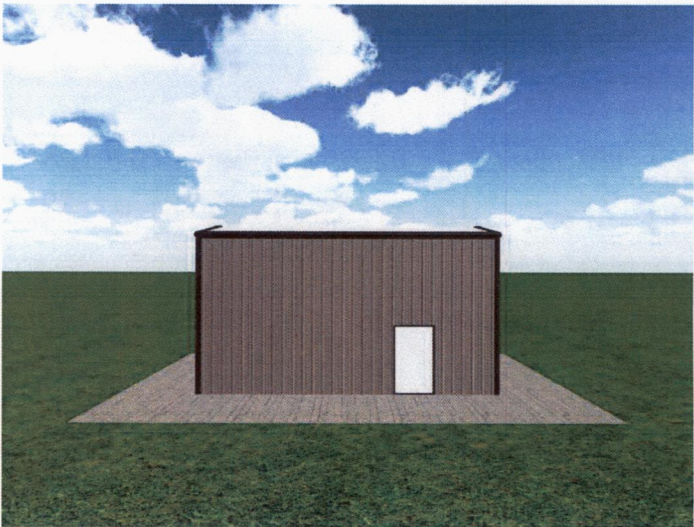
[PDF Spec Sheet](#)

3D QUOTE DATA

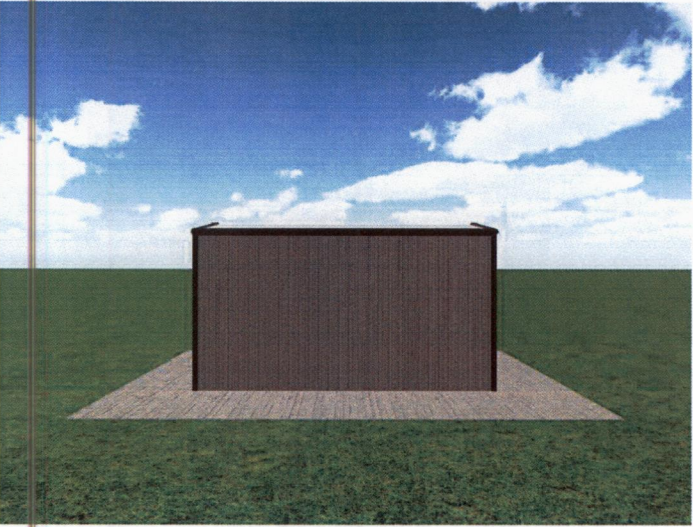
(NOTE: Quote details are only visible to logged in user, not visible if shared.)



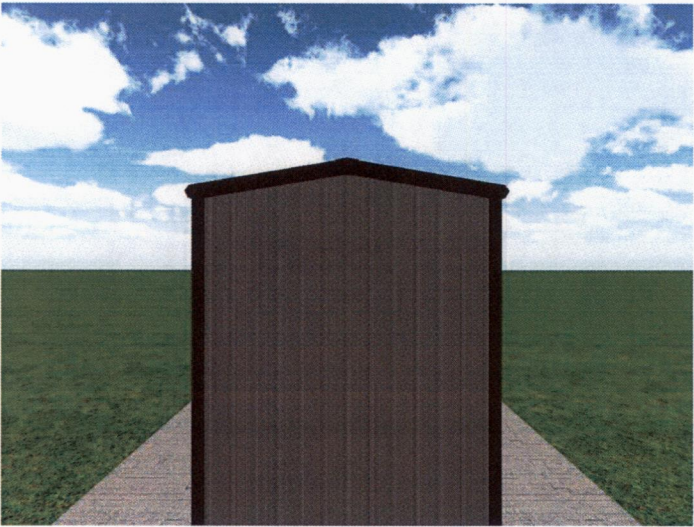
FRONT VIEW



LEFT VIEW



RIGHT VIEW



BACK VIEW

Print Specsheel

Close Window





SURVEY PLAT

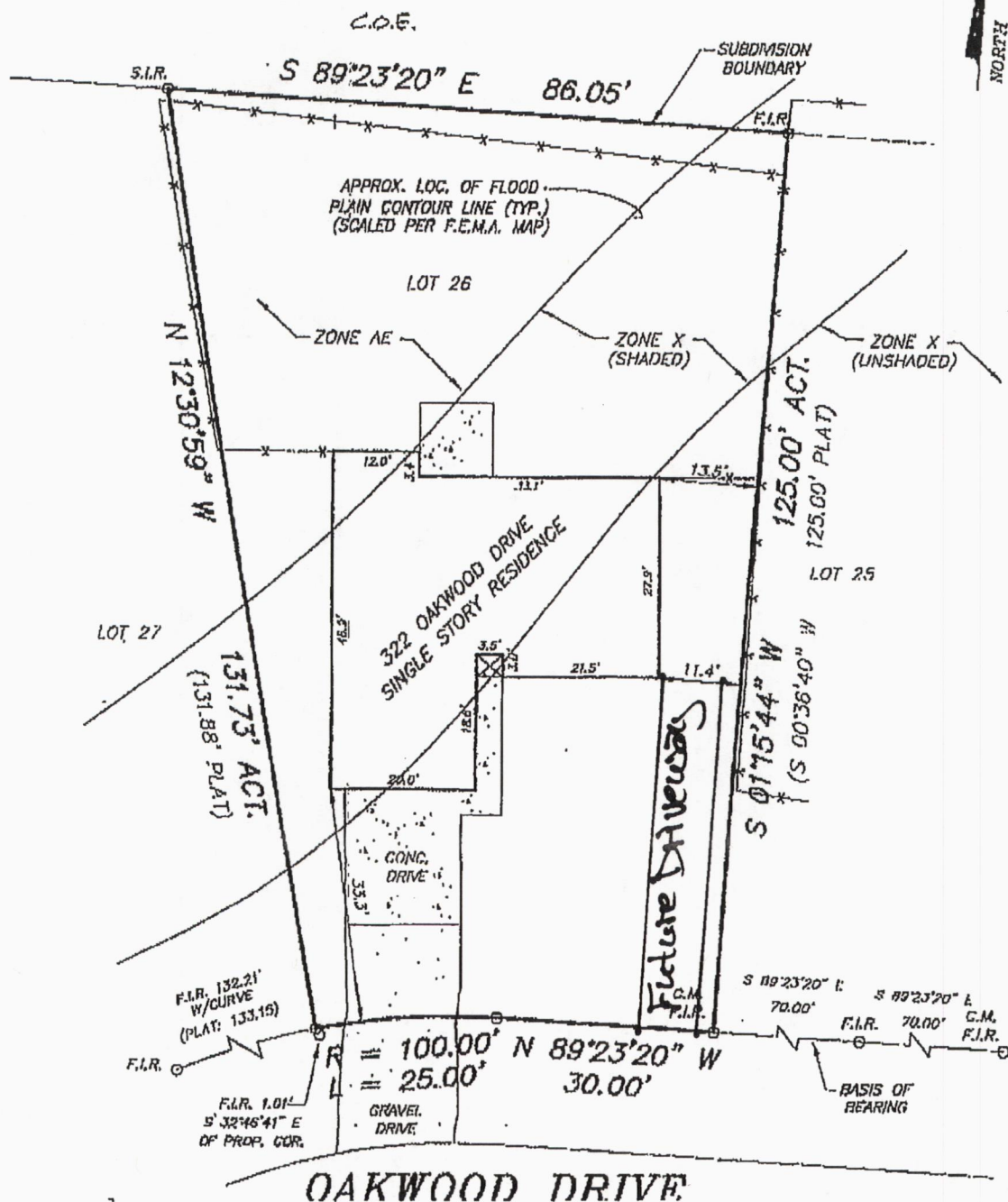
NO. 322 OAKWOOD DRIVE ; IN THE TOWN OF SHADY SHORES, TEXAS, DESCRIBED
AS FOLLOWS:

LOT NO. 26, BLOCK NO. --- OF LAKE SHORE PARK ADDITION
AN ADDITION TO THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS ACCORDING

TO THE PLAT THEREOF RECORDED IN VOLUME 3 AT PAGE 6 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS.

NOTE: BASIS OF BEARING IS THE NORTH LINE OF OAKWOOD DRIVE.

LEGEND: C.M.-CONTROLLING MONUMENT; F.I.R.- FOUND IRON ROD; S.I.R. = SET IRON ROD; F.I.P. = FOUND IRON PIPE; F.C.P.- FENCE CORNER POST.



(NOTE: Quote details are only visible to logged in user, not visible if shared.)

Mueller, Inc. 3D Design Tool
Project Specifications

Project Name: New Project 6-5-2024
Project Date: 06/06/2024 07:12:01 AM

Customer Mailing Address

(NOTE: Quote details are only visible to logged in user, not visible if shared.)
Mike Boliver

Mike Boliver
Shady Shores, TX 76208
Phone/Email: 214-725-5833 / bolivermike@yahoo.com

Building Details

Basics (in ft.):
width X length X height: 13 X 37 X 12
Pitch: 2
Overhang sides: 0
Overhang end: 0
Single slope: no
Wainscot: none
Gutter: yes

Leantos

Right: width: 12, pitch: 1, drop: 0, cut_front: 0, cut_back: 0

Colors

Wall: Smokey Pewter Roof: Bright White Trim: Coco Brown

Wainscot: none
Liner Panels: none

Accessories

Ridge Vent Type / Mode: none
Insulation: no



3D QUOTE DATA

Mueller Quote ID:	202406060009
Quote Date:	2024-06-06 07:12:01
Project Type:	Garage
State:	TEXAS
County:	Denton
Building Address:	322 Oakwood Cir
Building City:	Shady Shores
Building Zip:	76208
Branch:	Sherman
Rep:	Jim Gantt
Snow Load:	5.00
Wind Load:	115.00

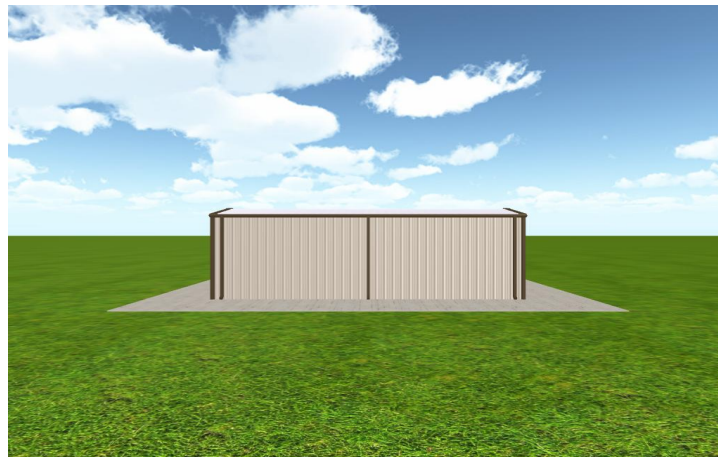
Comments/Extra Instructions:

Need to get a price to have this built

FRONT



LEFT SIDE



RIGHT SIDE



BACK





AGENDA MEMORANDUM

DATE: November 11, 2024
TO: Zoning Board of Adjustment
FROM: Wendy withers, Town Administrator
SUBJECT: **ACTION REGARDING PUBLIC HEARING-** Consider and take appropriate action relative to the request made by Mike and Katherine Boliver for a variance to the Zoning Ordinance regarding Accessory Structures.

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

None

REVIEWED BY: