



**TOWN OF SHADY SHORES  
ZONING BOARD OF ADJUSTMENTS  
REGULAR SESSION  
JUNE 10, 2019; 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
  1. Consider and act on approval of the minutes from the January 14, 2019 Zoning Board of Adjustment Meeting (Pace)
4. PUBLIC HEARINGS
  1. PUBLIC HEARING - Stewart` Variance Request
    - A. Open Public Hearing
    - B. Applicant
    - C. Those in Favor
    - D. Those Opposed
    - E. Rebuttal
    - F. Close Public Hearing
5. REGULAR AGENDA
  1. Stewart Request- Consider and take action relative to a request made by Blake and Kimberly Stewart for a variance to the Zoning Ordinance for the property known as 200/202 Dobbs Road. The property owners are requesting a variance to the regulations relative to Single family dwellings.
6. 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, \_\_\_\_\_, \_\_\_\_\_ 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 \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ .M.

\_\_\_\_\_  
Wendy Withers, Town Secretary



**TOWN OF SHADY SHORES  
ZONING BOARD OF ADJUSTMENTS  
SPECIAL CALLED MEETING  
JANUARY 14, 2019; 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 | Absent  |
| Jack Nelson       | Councilmember | Present |
| Tom Newell        | Councilmember | Present |

**Staff 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 6:30 p.m.

**2. ROLL CALL**

Establish a Quorum.

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

**3. MINUTES:**

Consider and act upon approval of the Zoning Board of Adjustment Minutes from June 12, 2017.

Documents:

1. [06.12.2017 MINUTES.PDF](#)

The minutes were approved as presented.

#### **4. PUBLIC HEARING**

Conduct a public hearing relative to a request made by Donna Pace for a variance to the minimum setback lines for the property legally known as 106 E. 6TH Street. Ms. Pace is requesting a variance from the required 10' side yard setback lines to a 4' side yard setback.

- A. Open Public Hearing- Mayor Aughinbaugh opened the public hearing at 6:35 pm
- B. Applicant- Donna Pace, the applicant was present
- C. Those in Favor-
- D. Those Opposed
- E. Rebuttal, if desired
- F. Close Public Hearing- Mayor Aughinbaugh closed the public hearing at 7:37 pm.

Documents:

- 1. [AGENDA MEMO 01.14.2019 PACE.DOC](#)
- 2. [MAP 106 E. 6TH STREET.JPG](#)

#### **5. ACTION REGARDING PUBLIC HEARING**

Consider and act on a request made by Donna Pace for a variance to the minimum side yard setback lines.

Documents:

- 1. [AGENDA MEMO 01.14.2019 PACE ACTION ITEM.PDF](#)
- 2. [PACE APPLICATION FOR VARIANCE REDACTED.PDF](#)
- 3. [PROPERTY OWNER NOTIFICATION.PDF](#)
- 4. [LIST OF PROPERTY OWNERS.PDF](#)

Tom Newell made a motion to approve the variance request. Paula Woolworth seconded the motion.

Discussion: None

Ayes: Grimes, Nelson, Woolworth, Newell

Nays: None

The motion passed unanimously, and the variance was approved as requested.

#### **6. ADJOURN**

The meeting was adjourned at 6:55 pm.

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).

PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

APPROVED:

\_\_\_\_\_  
Cindy Aughinbaugh, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Withers, Town Secretary



## AGENDA MEMORANDUM

**DATE:** June 10, 2019  
**TO:** Zoning Board of Adjustment  
**FROM:** Wendy Withers, Town Secretary  
**SUBJECT:** PUBLIC HEARING - Stewart` Variance Request

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### **BACKGROUND/INFORMATION:**

### **FINANCIAL IMPLICATIONS:**

### **RECOMMENDATION/ACTION DESIRED:**

Conduct a public hearing relative to a request made by Kim and Blake Stewart. Mr. and Mrs. Stewart are requesting a variance to the Zoning Ordinance specifically to allow them to live in a residential structure that is existing on their property while another structure is built. Should the variance be granted the old structure will be removed upon completion of the new home.

If approved the Stewart's plan to replat the property at 200/202 Dobbs with an additional acre to a total of a three acre plat.

### **ATTACHMENTS/SUPPORTING DOCUMENTATION:**

1. Variance Application Blake Stewart
2. 200 and 202 Dobbs Road Variance
3. Site Plan Map

### **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) Blake Stewart & Kim Bynum Stewart  
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) 200 & 202 Dobbs Rd

Legal description: Survey \_\_\_\_\_ Abstract \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Total Acreage 2.9

Said property is currently zoned: Residential

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

plans to be submitted

\_\_\_\_\_

\_\_\_\_\_

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

Kim Bynum Stewart  
SIGNATURE(S)

April 25, 2019  
DATE

kimberly1113@verizon.net  
E-MAIL ADDRESS

214-228-8222  
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: 5/9/2019

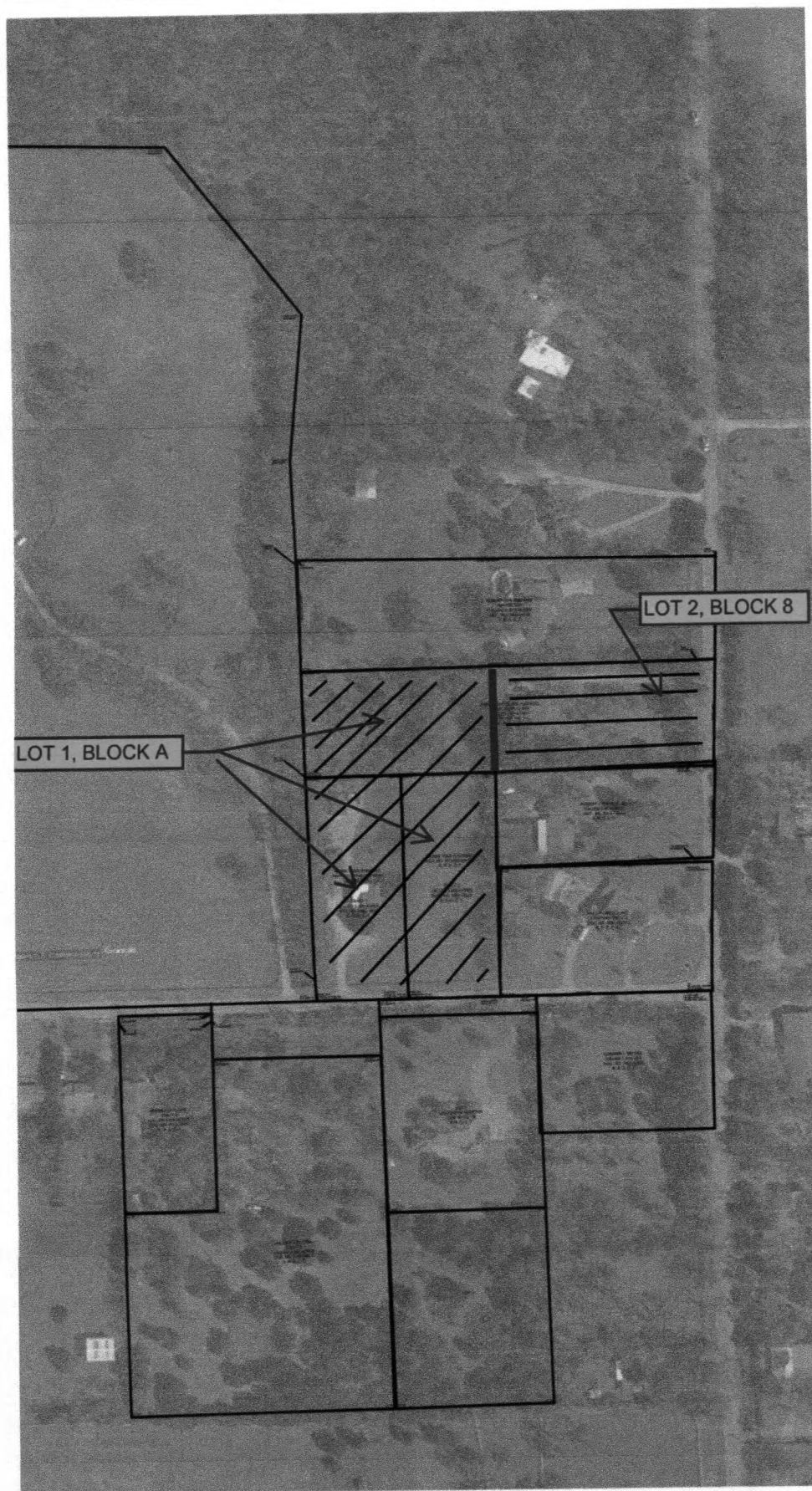
Receipt #: \_\_\_\_\_

Check #: \_\_\_\_\_

Received by: Wendy [Signature]

## 200 & 202 Dobbs Rd

We are requesting a Zoning Variance to avoid multiple plat changes on our current & new properties. We currently own the 200 & 202 Dobbs Rd. We are purchasing an acre behind our land – see picture. We are asking to allow for a current older home to remain on the property so that we can continue to stay in it, while we build a new home—plans to be submitted. The current home will be moved after the new home is built. We would like to have all 3 pieces of land included in the same plat and only have this done one time.





## AGENDA MEMORANDUM

**DATE:** June 10, 2019

**TO:** Zoning Board of Adjustment

**FROM:** Wendy Withers, Town Secretary

**SUBJECT:** **Stewart Request- Consider and take action relative to a request made by Blake and Kimberly Stewart for a variance to the Zoning Ordinance for the property known as 200/202 Dobbs Road. The property owners are requesting a variance to the regulations relative to Single family dwellings.**

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### **BACKGROUND/INFORMATION:**

### **FINANCIAL IMPLICATIONS:**

### **RECOMMENDATION/ACTION DESIRED:**

Consider and act on a request relative to a request made by Kim and Blake Stewart. Mr. and Mrs. Stewart are requesting a variance to the Zoning Ordinance specifically to allow them to live in a residential structure that is existing on their property while another structure is built. Should the variance be granted the old structure will be removed upon completion of the new home.

If approved the Stewart's plan to replat the property at 200/202 Dobbs with an additional acre to a total of a three acre plat. The Town of Shady Shores Zoning Ordinance only allows one residential living structure per platted lot. A copy of the zoning regulation is attached.

### **ATTACHMENTS/SUPPORTING DOCUMENTATION:**

1. ARTICLE\_1\_2\_PURPOSE (1)

### **REVIEWED BY:**

## ARTICLE 1.2 PURPOSE

### (a) Establishing of Controls and Comprehensive Plan

(1) These regulations and controls shall be known and may be cited as the "Zoning Ordinance" of the Town.

(2) The purpose of this ordinance is to prevent ill effects of urbanization by providing for the orderly, safe and healthful development of the area within the Town and within the area surrounding the Town and to promote the health, safety and general welfare of the community.

(3) These regulations are adopted under the authority granted by the laws of the State of Texas and particularly as contained in The Texas Local Government Code Chapters 211 (Municipal Zoning Authority) and Chapter 212 (Municipal Regulation of Subdivisions and Property Development).

(4) No person shall create a subdivision of land within the corporate limits of the Town or within the extraterritorial jurisdiction thereof without complying with the provisions of these regulations. All plats and subdivisions of any such land shall conform to the rules and regulations set forth herein.

(5) The Town shall have extraterritorial jurisdiction concerning land not within the corporate limits as cited by the Texas Local Government Code chapter 42 (Extraterritorial Jurisdiction of Municipalities).

### (b) Scope: In order to implement the purpose of these regulations it shall be the intent of the controls:

(1) To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, floods, erosion, landslides or other such menaces;

(2) to provide proper utilities and services for adequate drainage, water supply and disposal of sanitary and industrial waste;

(3) to provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation;

(4) to furnish adequate sites, convenient to schools, parks, playgrounds, beaches and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;

(5) to provide adequate light and air;

(6) to prevent the overcrowding of land;

(7) to avoid undue concentration of population;

(8) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

(9) to ensure that all subdivision and land development relates directly to the adopted Town Plan (Comprehensive Plan).

### (c) General:

(1) All property not specifically zoned otherwise by city ordinance within the Town is zoned R-2000-1/2 Residential. All property to be platted or subdivided properties shall be R-2000 Residential, unless the owner applies for and is granted by the Town Council a change in zoning by Ordinance specific to that property. Subdivision and platting of the property shall comply with the Zoning District regulations on the property, and shall be platted or subdivided in accordance with the Town's subdivision ordinance and regulations. No other subdivisions will be recognized by the Town. Prior to the consideration of the plat by the Town Planning and Zoning Commission and the Town Council, the Town Engineer will check the plat and make recommendations, all in accordance with the Texas Local Government Code chapter 212 (Municipal Regulation of Subdivisions and Property Development) and the Subdivision Regulations of the Town.

(2) It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide or plat any land into lots, blocks and streets within the Town which has not been laid off, subdivided and platted according to these regulations and the rules of the Town Zoning Commission.

(3) No officer or employee of the Town shall perform, or cause to be performed, any work upon any street or in any addition or subdivision of the Town, unless all requirements of these regulations have been complied with by the owner of said addition or subdivision.

(4) The Town hereby defines its policy to be that the Town will take all legal action available to the Town to prosecute illegal subdivisions, and/or any unlawful construction in the Town. No permits shall be issued, nor improvements begun, until approval has been given of any required plats, rezoning, and permits.

(5) No construction of new buildings, structural alterations to existing buildings nor additions to existing buildings shall begin until a building permit has been issued by the Town of Shady Shores, Texas. Such permit shall be posted in a conspicuous place at the construction site until the construction is complete and final inspections have been made.

(6) All "single-family" zoning districts may only have one residence per lot, unless a conditional use permit is applied for, and granted, by the Town Council. A violation of any condition of the permit may result in termination of the permit by the town council, or a violation of this zoning ordinance by the municipal court, or both.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 301-06-2017, sec. A.1, adopted 6/12/17)