

Bois D' Arc Lake Zoning Commission
03/03/2022 Meeting Minutes

On Thursday, March 3, 2022 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public hearing/meeting after public notice was posted at 12:28 pm on February 17, 2022 with the following members being present:

Kevin Darwin (KD)
Gary Fernandes (via phone) (GF)
Randy Moore (RM)
Matt Titsworth (MT)
Gilbert Welch (GW)

(Also present: Di Hopkins (DH), Newt Cunningham (NC), Edwina Lane (EL), Lisa Loiselle

Judge Moore called the meeting to order at 8:23 am.

1. Establish Quorum;

All present with Mr. Fernandes present via phone. Quorum established.

2. Public Forum;

No Public Comments

3. Approve meeting minutes from 02/09/2022 Public Hearing and Regular Meetings;

Mr. Welch asked that the word 'to' be corrected under item #4. It is missing the 'o'. He also requested to add a comma after the words '...to not be less than 60' wide' under item #6 and to add 'the front of each lot.'

Judge Moore requested that in the motions made by the commission members all words that stated 'motioned' be changed to 'moved'.

Mr. Welch moved to approve the minutes with the changes/ corrections. Seconded by Mr. Titsworth. Motion passes 5-0.

4. Discussion, consideration and action to approve the change in zoning application for 60.00 acres out of a 143.69-acre tract located west of FM 1743 and south of CR 2955, Property ID# 82975, from A&R, Agriculture and Ranching to RE, Rural Estate Single-Family District and recommend to Commissioners Court for approval;

Landon Goins – Stated he is only requesting a change in zoning for 60 acres right now. This will be done in 2 phases with the first phase being 24 lots.

GW – Feels this request meets what seemed to be the master plan of these area being residential in the future.

GF – Looks like the 1-acre lots could be aerobic. Is this correct? If so, this is a lot of systems.

RM – Yes.

GF – This is not like the Lake Ralph Hall comprehensive plan. We will look at this at Monday's meeting.

NC – A lot of developers will be doing subdivisions in phases for tax purposes.

GW – Stated correction to his previous statement that this area is residential.

KD – Could still be developed in Ag if 5 acre lots. Feels this could set precedent.

GW – He understood the concept of the initial plan was that this would be a good area for residential. Feels it was done this way for flexibility.

GF – That is exactly right.

RM – Agrees this was the original thought process.

MT – Doesn't see an issue, but is concerned about the quantity of septic systems.

GW – Understands, but one does have to maintain a contract for maintenance or else be licensed to do it yourself.

Goins – Vision is that 5 acres may be too much to maintain for elderly.

KD – He is just thinking that that we need to consider neighbors.

RM – Had a hearing on this this morning and no one showed up.

DH – All neighbors did receive a notification via mail about the hearing.

MT – Feels this is a good thing.

Mr. Fernandes moved to recommend to Commissioners Court to approve this change in zoning request. Seconded by Mr. Welch. Motion passes 5-0.

5. Discussion, consideration and action regarding Lake Zoning Regulation text amendments and/or Special Exceptions for small acreage properties in the 5,000' buffer that wish to build a home but are unable to meet the setbacks for their current zoning;

RM – The point of this item was to give Di more leeway to make decisions regarding smaller properties.

NC – Our thought was to make something easier to understand and give Di leeway. The language in the regulations allowed for a rebuild if a home burned or a similar event. Sec. 3.06.3 states: *It is the intent of this section to allow existing structures that were in existence before the adoption of the Lake Zoning Regulations to be allowed to expand.* Regarding lots, if approved, a new Sec. 3.06.4 states: *It is the intent of this section to allow existing lots of less than two (2) acres that were in existence before the adoption of the Lake Zoning Regulations to be built on provided new structures conform at a minimum to depth, width and setback requirements for low density single residential zoning districts.* He is suggesting that the new language be sent to either Daniel Harrison or Richard Glaser for review.

GW – These lots are referencing already existing structures.

DH – We were trying to cover three issues that keep arising: 1) Existing lots, 2) Old homes to new homes on existing, 3) if property is damaged, they may rebuild on existing.

GW – The smaller the size requirement for nonconforming use we keep, the better off we are so that we don't create conflict.

RM - He understands, but again, it was to make it simpler for Di and not have everything have to come to the zoning commission and Commissioners Court. He would like to see it state 3 acres.

GW/MT – Agree.

GW – Should we set the hearing or wait until the wording is finalized?

RM – Go ahead and send to attorney and we can finalize it before the hearing. Does not want to keep putting stuff off.

GW – Regarding being more stringent for residential, what if it is not residential?

NC – The intention was for residential. If it is not residential, then it could come before the zoning commission.

GW – Why are accessory buildings excluded from the language (3.06.B.2)?

RM – If someone built a home and wanted to put a shed on their property, does the verbiage say it is an illegal nonconforming use?

GW – Could be. Just raising flags of possible issues. This is for existing structures (for a lack of a better word, ‘grandfathered’). What if someone has a 1,000 sq. foot home, it burns down and then they want to build a 3,000 sq. foot home which ends up with a 2’ setback? Should this come to the zoning commission for larger structures?

RM – Need to make rules as simple as possible. He realizes it doesn’t have a lot of teeth, but people need to understand. Do we need to make changes to section B?

GW – Repeated the scenario mentioned above and then asked what Di would tell them. This should not mean that someone can just build and end up bothering their neighbors.

RM – We are looking at 3 possible language amendments: (1) Change it to 3-acre lot size, (2) Adding ‘with setbacks’ to Sec. 3.06A.3, (3) Give thought to accessory buildings under D.3.

GW – Would like to change the word ‘first’ to ‘earliest’ under Sec. 3.06.D.3.

GF – Agrees.

Mr. Welch moved to set a public hearing on April 7, 2022 at 8:20 am to hear comments regarding text amendments as discussed. Seconded by Mr. Darwin. Motion passes 5-0.

6. Discussion, consideration and action regarding changes and/or modifications by landowners;

No discussion. No action.

7. Discussion, consideration and action to set next BDALZC meeting and/or hearing date(s);

Mr. Welch moved to set the next regular meeting on April 7, 2022 at 8:30 am. Seconded by Mr. Titsworth. Motion passes 5-0.

After the motion Mr. Fernandes spoke to the zoning commission stating that he looked over the draft Lake Ralph Hall Comprehensive Plan and is not happy with it. Feels it is a puff piece and there is no benefit to Fannin County. He is urging the commission to look over this plan.

8. Adjourn.

Mr. Welch moved to adjourn. Seconded by Mr. Titsworth. Motion passes.

Meeting adjourned at 9:32 am.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission regular meeting that was held on the 3rd day of March, 2022 at 8:30 a.m.
ATTEST:

**Lisa Loiselle - Administrative Assistant to
Fannin County Judge, Randy Moore**