

Draft

Bois d'Arc Lake Zoning Commission

Minutes of Public Hearing and Public Meeting December 18, 2024

The Public Hearing, held at the Fannin County Courthouse, was called to order by Chairman Newt Cunningham at 8:32 am. Present were Chairman Cunningham and members Matt Titsworth, Gilbert Welch and Kevin Darwin. Gary Fernandes participated via zoom.

Item 1. A quorum was established.

Item 2. Hear comments regarding a change in zoning application from A&R, Agriculture & Ranching District to PD, Planned Development District; PID#s 78148, 73658 and 79948 on Old 1396 South in Telephone – 26.735 acres for residential and commercial use.

Mr. Stan Graff spoke on this matter. He is attempting to secure the license for a marina, which he is proposing for the southern portion of this property with the northern portion of the property for residential. The marina is subject to approval by the North Texas Municipal Water District and to engineering plans. If the marina is not approved the property would be residential.

Di Hopkins, Director of Development Services, noted that one letter of protest had been received from Angie Chang, owner of an adjacent property. Ms. Chang wants to build a home on her property.

Item 3. Mr. Welch made a motion to adjourn the Public Hearing, second by Mr. Titsworth. Motion passed unanimously. Adjourned at 8:38 am.

The Public Meeting, held at the Fannin County Courthouse, was called to order by Chairman Newt Cunningham at 8:39 am. Present were Chairman Cunningham and members Matt Titsworth, Gilbert Welch and Kevin Darwin. Gary Fernandes participated via zoom.

Item 1. A quorum was established.

Item 2. Public Forum. No one spoke in Public Forum.

Item 3. Approve minutes from 11/07/2024 Public Hearing and Regular meeting.

Mr. Welch made a motion to approve the minutes. Second by Mr. Darwin. Motion passed unanimously.

Item 4. Discussion and action regarding recommendation to Commissioners Court for a Special Exception application to reduce road frontage requirement from 100' to 0' and allow for a 30' access easement instead: 1 acre lot on CR 2745 in Windom, Property ID# 84517.

The applicant, Francis Moran, discussed the request to reduce the road frontage requirement to allow access to a new parcel of about 1.3 acres to be established from a larger existing parcel. Di Hopkins, Director of Development Services, discussed the County's subdivision regulations, which require a minimum 60 foot road frontage and the Bois d'Arc Lake zoning requirements, which require a minimum 100 foot road frontage. She noted that there had been 2 recent cases before Commissioners Court asking for waivers of the road frontage requirements in favor of an easement. In these cases the County Subdivision Committee voted to recommend a 30 foot road frontage instead of an easement. In one of these cases the property in question was less than one acre and could not be further subdivided. Ms. Hopkins noted that the Southwest Fannin Water Supply Agency has advised the County Subdivision Committee that a water meter must be placed on owned property and not on property controlled by an easement, which would require some amount of road frontage for a water meter. The recommendation of Ms. Hopkins was for a 30 foot road frontage.

Mr. Welch asked Mr. Moran if it was acceptable to him to have a 30 foot road frontage instead of an easement.

Chairman Cunningham remarked that whatever decision is made on this matter must be available to others in the future.

Ms. Hopkins discussed the definition of "subdivision," which is the division of land into two or more parcels.

Mr. Moran would prefer to not own the road to his property, but instead to have an easement for the road.

Mr. Welch said that he is OK with an easement from the new parcel to the road.

Mr. Andy Garner, Fannin County Civil Attorney, gave his opinion that he is not generally in favor of exceptions and that Mr. Moran could comply with the regulations by owning the road.

Chairman Cunningham stated that he also is not in favor of exceptions, and would like to develop easement language that would work for this property and for others in the future.

Mr. Fernandes made a motion to see if there was language in an easement that would solve this problem and provide a fair basis for other instances. Second by Mr. Welch. Then Chairman Cunningham proposed that he and Mr. Garner would review the language in the proposed easement and if it was acceptable then the matter could go to Commissioners Court without being further considered by the Zoning Commission. Mr. Fernandes amended his motion accordingly. Mr. Welch then said that the motion should include language that if Chairman Cunningham and Mr. Garner were not satisfied with the easement solution then Mr. Moran would need to acquire the land for the road and have a 30 foot frontage. Mr. Fernandes amended his motion accordingly. Second by Mr. Welch. Motion passed unanimously.

Item 5. Discussion and action regarding recommendation to Commissioners Court regarding a change in zoning application from A&R, Agriculture & Ranching District to PD, Planned Development District; PID#s 78148, 73658 and 79948 on Old 1396 South in Telephone – 26.735 acres for residential, commercial and marina uses.

Ms. Hopkins noted that there was one letter of protest. She also noted that an adjacent property was zoned for commercial and residential development. Mr. Welch said that there was not enough information provided for a Planned Development, but that he supported a change in zoning to Residential and Commercial. Mr. Graff said that he thought the future use of the property would be Residential and possibly Marina, but not Commercial. Mr. Welch suggested postponing a zoning change until a decision was made on the marina.

Mr. Welch asked Ms. Chang about her future use of her property. She does not want commercial near her.

Mr. Graff notified the Zoning Commission that he would like to defer the request for a zoning change.

Item 6. Discussion and action regarding any additional changes, modifications or requests that relate to Bois d'Arc Lake Zoning.

None identified.

Item 7. Discussion and action regarding member of the Bois d'Arc Lake Zoning Commission stepping down.

Mr. Fernandes announced that he was stepping down from the Zoning Commission.

Item 8. Discussion, consideration and action to set next BDALZC meeting and/or hearing date(s). A motion was made by Mr. Darwin to set the next meeting for January 2 at 8:30 am. Second by Mr. Welch. Motion passed unanimously.

Item 9. Adjourn. A motion to adjourn was made by Mr. Fernandes, second by Mr. Welch. Motion passed unanimously. Adjourned at 9:53.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission hearing and meeting that were held on the 18th day of December, 2024 at 8:30 a.m.

ATTEST:

Malinda Allison, Secretary