

Bois D' Arc Lake Zoning Commission
02/09/2022 Meeting Minutes

On Wednesday, February 9, 2022 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a regular meeting after public notice was posted February 1, 2022 at 8:58am 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: Newt Cunningham (NC), Diana Hopkins (DH), Commissioner Lane (EL), Commissioner Magness (JM) and Lisa Loiselle.

Chris Montgomery (CM), Martin Sanchez of Sanchez, LLC (MS)

Judge Moore called the meeting to order at **8:33 am**.

1. Establish Quorum;

All members present, Mr. Fernandes via phone. Quorum established.

2. Public Forum;

No comments.

3. Approve meeting minutes from 01/06/2022 Public Hearing and Regular Meeting;

Mr. Welch moved to approve the minutes as written. Seconded by Mr. Titsworth. Motion passes.

4. Discussion, consideration and action to approve change in zoning application for Property ID# 83091, from A&R, Agriculture to LD, Low Density Single-Family District and recommend to Commissioners Court for approval;

RM – Common sense says he should be able to put a house on 2+ acres of land.

DH – Following the regulations there would be no way to meet the setbacks for agriculture and Chris is trying to do the right thing, but he is running out of time now. It has been three months since this was first put forth.

NC – The zoning process allows for variance. Need to be consistent in ruling. Judgement should come in to play.

GW – Do we want to leave the areas on the zoning map green (Ag) like Di said, or do we want yellow dotted throughout? Makes sense to do it as residential and if Chris wants to face CR 2900, we should entertain that desire and relieve him from the setback regulation.

GF – Agrees with Mr. Welch. We should grant a Special Exception.

GW to Chris Montgomery – Is it your desire to face CR 2900?

Chris – Yes, or we could put up a privacy fence if the house has to be turned sideways. The most beneficial would be to relieve the setback requirement.

GW – What about the curve that was mentioned in the protest form for this hearing?

MT/GW – When we drove out there, we did not see the curve as very dangerous.

GW – Regarding the drainage mentioned in the protest form, he did not see anything that nature hasn't created.

Mr. Welch moved to recommend to Commissioners Court to approve the change in zoning from Agriculture to Rural Estate Single Family District with a Special Exception to allow no less than 30' setbacks at the front and back of the house. Seconded by Mr. Darwin. Motion passes.

5. Discussion, consideration and action to approve setting a public hearing to hear comments regarding a change in zoning application from A&R, Agriculture to RE, Rural Estate Single Family District – Parcel ID# 82975 on CR 2955 in Honey Grove;

Mr. Welch moved to set a public hearing on Thursday, March 3, 2022 at 8:20am to hear comments. Seconded by Mr. Darwin. Motion passes

6. Discussion, consideration and action regarding Special Exception application for *The Peninsula Addition on County Road 2730 in Honey Grove – concerning the 100' lot width inside the proposed gated community;*

DH – This item is a carryover from last month regarding the pie shaped lots. A request is being made for no more that 25% of lots to be no less than 60' wide.

GF – Doesn't feel we can realistically consider a special exception without knowing the exact lots and number of lots.

GW – Thinks it would be a great asset for Fannin County, but agrees that from the Commission's perspective, it is not best to grant exception without knowing exactly which lots it would be.

NC – Agrees particulars are needed, not just a general exception.

MS – Distributed maps with the lots shaded they know that will need the exception. It's all about the backyard view. He stated that any shaded lot currently on the map that is under 100' wide it is guaranteed to not be less than 60' wide, at the front of each lot. Most geometry in measuring land does not start at the easement, but after. If measured after the easement, then they would measure 80'-90'. It was mentioned in the last meeting that the development could lose one lot to make up the 100' width requirement as it would only provide an additional 5' or so gain among the other lots. The development would actually need to lose 7 or 8 lots to be able to meet the requirement. (MS distributed the maps for The Shores). He stated there is no way that any of the lots in either development would be under 60' wide. There will be 24 lots total that will need the exception.

NC – Commissioners Court can make these exceptions.

MS – Guarantee and stipulate that NO lots will be under 60'. All lots are noted on the maps.

GW – I know I digress, but the other development we turned down was right in the middle of many landowners, but this development is almost by itself and self encompassing. I agree that planned developments do cause problems.

MS – Would prefer to wrap both The Peninsula and Shores in the Special Exception.

GW – Still have the issue of not much room to park cars on the street without parking in front of neighbors houses.

MS – Even on a standard 60’ wide apron, that is a 3 car garage on most developments. There is a lot of space for cars to park leading up to the house. Based on last month’s discussion, we will meet the 60’, 25’ side setbacks and the 80’ to the water requirements.

GF – How many will be lake front properties?

MS – Most of them. Would like to offer suggestions regarding where the measurement of width and setbacks start.

GW – We have to go on what Regulations say today.

RM – Thinks width could be determined at house width (footprint).

GF – Feels we should follow other lake zoning commissions as far as measuring and will need more information before language is stated for the special exception.

Mr. Welch moved to recommend to Commissioners Court to approve the combined properties of The Peninsula and The Shores for a Special Exception allowing no less than a 60’ lot width for The Peninsula lot #'s 2, 11-22, 47, 50, 59-61, 67-69 and The Shores lot #'s 11,31, 32. Seconded by Mr. Darwin. Motion passes.

7. Discussion, consideration and action to set a Public Hearing to hear comments regarding a change in zoning from RE, Rural Estate Single Family District to PD, Planned Development for The Peninsula Addition on County Road 2730 in Honey Grove;

No action.

8. Discussion regarding small acreage properties in the 5,000’ buffer that currently have homes built and wish to build another home but are unable to meet the setbacks for their current zoning;

DH – Is seeking information on how to proceed. There will be more and more. Should we do change in zoning? Special Exception? Grandfathered in? As an example, there is someone who already had a house on their property before the regulations were created and wants to build a new house. Bigger and better, but now he won’t meet the setbacks for new construction.

GW – Technically he would consider it grandfathered in. Considering the position of the current home and the placement of the new home, he would actually be increasing the setback.

NC – Recommends a special exception.

GW – Unfortunately, he must agree as the Commissioners Court did approve the Regulations.

KD – Even with new homes and a change in zoning, some properties still will not meet the setbacks.

DH – Do you want to add to Sec. 3.06b.ii of regulations ‘new structures and pre-platted lots may build using the setbacks from another district that most compliment that area’.

GW – Feels this is a nonconforming use and asked if it should then be allowed.

DH – Gentleman would like to live in the old house while building the new house and then tear the old house down.

RM – Suggested that perhaps the gentleman be given a timeline to tear down the old house.

GW – Still feels this is a situation of nonconforming use and is allowed (with a Special Exception).

MT – Feels it would be best to be given a timeline to tear down the house after the new one is completed.

DH – Brought up another situation where a house burned down and now the setbacks won't be met when a new house is built.

NC – A burned home would be under specific details for nonconforming.

RM/GW – Di and Newt to come back with wording for next agenda.

MT – Asked where is the problem with building a nicer home. It seems like a no brainer.

GF – Agrees that simplification is easier. Text changes are better than repeated hearings, applications, etc...

No action. Discussion item only.

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

No additional requests at this time.

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

Mr. Welch moved to set the next regular BDA LZC meeting on March 3, 2022 at 8:30 am. Seconded by Mr. Titsworth. Motion passes.

11. Adjourn.

Mr. Darwin motioned to adjourn. Seconded by Mr. Welch. Motion passes.

Meeting adjourned at 10:43 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 9th day of February, 2022 at 8:30 a.m.

ATTEST:

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