

Bois D' Arc Lake Zoning Commission
04/07/2022 Meeting Minutes

On Thursday, April 7, 2022 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public hearing/meeting after public notice was posted at 1:41 pm on March 31, 2022 with the following members being present:

Kevin Darwin (KD)
Gary Fernandes (via phone) (GF)
Gilbert Welch (GW)

Also in attendance: Commissioner Lane (EL), Commissioner Magness (JM), Newt Cunningham (NC), Di Hopkins (DH) and Lisa Loiselle.

Mr. Welch called the meeting to order at 8:32 am.

1. Establish Quorum;

Judge Moore and Matt Titsworth were absent. All others were present with Mr. Fernandes present via phone. Quorum established.

2. Public Forum;

Mr. Scott Herridge reiterated his comments during the public hearing and is hoping for approval of the proposed text amendments and for exceptions in the regulations minimizing the 100' setback for properties under 5 acres.

KD – Asked if the land was purchased after the regulations were put in place to which Mr. Herridge responded yes, it was purchased after.

NC – Stated this is the reason we have been looking at these text amendments. This is a special situation and we will be running into many more of these situations.

DH – The suggestions being proposed to help with this issue is a newly added Section to the Regulations; Section 3.06A(4).

KD – Must take in to consideration the neighboring land as well when the Commission decides.

GF – The requirement of the 500' setback may need to be looked at. After speaking with several developers and individuals, no one has ever heard of a 100' setback. Perhaps we did not do our due diligence when we set the Regulations of 100' setbacks.

GW – Specifically, what we are looking at now is for nonconforming structures and uses. If we want to address setbacks, this should be done separately in another setting. Today is regarding nonconforming uses and structures. He understands what Mr. Herridge is saying, but the land was purchased after the Regulations were put in place. The burden of due diligence prior to purchasing land is always on the landowners.

If we want to pursue further, we need to task someone to look further at the 100' setbacks.

DH – She feels that if we add Section 3.06A(4), it would help Mr. Herridge's situation. The lot (parcel) was already in existence. Looking at Section 3.06Aiii, it covers nonconforming lots.

GW – Feels this needs to be considered parcels and not lots.

NC – Agrees with Di that this is a nonconforming lot. We are going to run into several of these same issues over and over.

He can look up if there is a difference between the definition of parcel and lot and can delve deeper into the 100' setback.

GF – Defined the difference between a parcel and a lot.

GW – Doesn't want to set a precedent if someone buys a lot that is close to 100'. Without more facts, he is reluctant to proceed with the aspect of building and the 100-year floodplain.

GF – Feels Mr. Herridge's issue would be considered a Special Exception issue and that we should table the item until later.

GW – Agree to table. He is suggesting he proceed with the Special Exception process.

3. Approve meeting minutes from 03/03/2022 Public Hearing and Regular Meetings;

Mr. Darwin moved to approve the 03/03/2022 minutes. Seconded by Mr. Fernandes. Motion passes.

4. Discussion, consideration and action regarding the Lake Zoning Regulations text amendments, Nonconforming Uses and Structures, Section 3.06 and recommend to Commissioners Court for approval;

GW – Under the new 3.06A(4), the word "residential" should be added before the word lots (Existing Residential Lots).

GF – Agrees.

KD – Agrees.

GW – Remove the 's' after conform in section 3.06A(4). Should say conform, not conforms.

GW – Section 3.06(B)1 add the word 'existing' in front of "uses, structures or lots".

GF – Agrees.

KD – Agrees.

GF – Section 3.06(D)7 – Since the word eliminating is being deleted, remove a. and b. since there will not be a 'b.' section.

Mr. Fernandes moved to adopt the text amendments with changes and to recommend to Commissioners Court for approval. Seconded by Mr. Darwin. Motion passes.

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

Ms. Hopkins requested that a hearing be set regarding the Special Exception for Mr. Herridge so that he doesn't have to wait two more months for consideration of approval.

Mr. Fernandes moved to set a Public Hearing for Scott Herridge regarding a Special Exception on May 5, 2022 at 8:20am. Seconded by Mr. Darwin. Motion passes.

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

Mr. Darwin moved to set the public hearing at 8:20 and the next regular meeting at 8:30am on May 5, 2022. Seconded by Mr. Fernandes. Motion passes.

7. Adjourn.

Mr. Fernandes moved to adjourn. Seconded by Mr. Darwin. Motion passes.

Meeting adjourned at 9:15 am.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission public hearing that was held on the 7th day of April, 2022 at 8:20 a.m.

ATTEST:

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