

Bois D' Arc Lake Zoning Commission
05/06/2021 Meeting Minutes

On Thursday, May 6, 2021 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public meeting at Bonham City Hall after public notice was posted on April 29, 2021 at 1:14 p.m. with the following members being present:

Kevin Darwin (KD)
Randy Moore (RM)
Matt Titsworth (MT)
Gilbert Welch (GW)

1. Call to Order / Establish Quorum;

Judge Moore called the meeting to order at 8:40 a.m. and stated all members are present except Mr. Fernandes. Quorum established.

2. Public Forum;

Sanjeen Luthra – Reiterated the need to reduce the required setbacks from 25' to 10'. - He also is concerned that the State requires ½ acre regarding land for septic systems, but the Fannin County and the BDA require 1 acre. – The regulations state the interior roads of a subdivision are to be a total of 34' wide, but that exterior roads only have to be 30'. Why is this?

Larry Standlee – FC Historical Commission – Two years ago the commission asked that the map showing the 22 cemeteries be used when looking at zoning. Cemeteries are not on the FC CAD map overlay. Can this be added? Mr. Welch asked if the commission had a boundary map of the cemeteries. The current map only has a dot. – Mr. Standlee also stated that property is being bought up left and right and the commission is looking to the board to help protect the cemeteries in the buffer zone.

Melinda Allison – The Historical Commission is requesting that the Zoning board notify the commission if a change in zoning request is made for property with a cemetery on it.

3. Approve meeting minutes from 04/01/2021 Public Hearing and 04/01/2021 Regular Meeting;

Mr. Welch motioned to approve minutes from 04/01/2021 Public Hearing and 04/01/2021 Regular Meeting. Seconded by Mr. Darwin. Motion passes.

4. Discussion, consideration and action regarding masonry requirements in the Lake Zoning Regulations and recommendation to Commissioners Court;

Ms. Hopkins thought it would be a good idea to temporarily place a disclaimer on the building application stating that 'Per Law (HB 2439), there will be no county enforcement of masonry requirements.'

Everyone felt this is a good temporary solution. Agreed that it is beyond the board's control and it would be best to wait until after the current legislative session.

Ms. Hopkins reminded everyone that she only has 30 days to approve or deny an application or it is an automatic approval regardless.

Mr. Titsworth moved to table until the next meeting but to go ahead and add the disclaimer to the application. Seconded by Mr. Darwin. Motion passes.

5. Discussion, consideration and action to approve requiring a Special Use Permit for RV Parks; Use Chart 3.03 in the Lake Zoning Regulations;

Mr. Welch motioned to recommend to Commissioners Court to approve requiring a Special Use Permit for RV Parks and to change Use Chart 3.03 to reflect this. Seconded by Mr. Darwin. Motion passes.

6. Discussion, consideration and action to approve the addition of an Amendment Log to the Lake Zoning Regulations and recommendation to Commissioners Court;

Mr. Darwin motioned to recommend to Commissioners Court to add Amendment Log to the Lake Zoning Regulations. Seconded by Mr. Titsworth. Motion passes.

7. Discussion, consideration and action to approve Memorandum of Understanding between Fannin County and the City of Bonham regarding any double zoned property within the 5,000' buffer of Bois d'Arc Lake and the recommendation to Commissioners Court;

Mark Kinnaird (MK), City of Bonham Community Development and Christina Tillet (CT), City of Bonham Attorney, were present to discuss MOU. Newt Cunningham (NC), Di Hopkins (DH).

MK – Believes the ultimate mutual goal is to get to where there isn't dual zoned property.

CT – Are we going to have two sets of requirements?

RM – Like Newt mentioned, perhaps adopt City's ordinances.

CT – Feels the way the MOU is drafted, it doesn't state the County wants to use them.

NC – Concern is it will continue to other cities and they will want the same thing even if their regulations are weak.

GW – Thinks any good agreement should have an exit clause. This one does not. To Newt: Do we have the right to have different zoning in different areas?

CT – The way she reads the law, zoning is discretionary for the County. Asked if Fannin County was looking at adopting the City's regulations.

RM – That is what we were thinking but with an exit clause.

CT – We should take a look at the ETJ (Extraterritorial Jurisdiction) statute – feels it is best to release authority rather than adopt the City's regulations. An exit clause would be good.

MK – I think we agree we don't want dual zoning.

GW – Would hate to see the County charged with not doing what they were charged to do as far as protecting the property for the land owners. If we adopt the City's regulations, we establish a precedence. We could use the City's regulations as a benchmark for other cities.

CT – The original document was releasing the zoning, not adopting.

GW – What happens in the future when other cities want no zoning and their rules are not good for the Lake?

DH – According to our regulations, the entity with the strictest regulations rule. Lake Bonham = City, Dual Zoned = City, ETJ = County.

CT – Just remove ETJ from agreement.

MK – ETJ not permitted in the city right now, but if needed in the future, that is what they would do.

CT – Thinks the item should be tabled for now and then take the agreement from here with the discussion that has occurred.

RM – Asked if all are good with what the county is wanting.

NC – Thinks Daniel Harrison should be involved.

RM – Ultimate goal is to protect the county.

Mr. Welch motioned to table the item until the Board hears back. Seconded by Mr. Titsworth. Motion passes.

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

Judge Moore addressed Mr. Sanjeen Luthra (SL) again so there could be discussion.

RM – Probably would not be able to do the ½ acre lot because it makes it very difficult to put anything else on the property.

SL - Would like a variance to lower the setbacks from 25' to 10'. The setbacks make it very difficult to add more lots.

KD – Asked how many lots is he looking at? Mr. Luthra stated 250.

SL – The number of pie shaped lots they are looking at would be very difficult for lake front property with the current setbacks.

GW – Has a problem with only a 30' frontage with setbacks, especially with mailboxes. There wouldn't be anywhere for people to park on the road in a cul-de-sac.

DH – Even with a 100' frontage, parking for pie shaped lots can make it very difficult.

SL – The lots would be very long as would the driveways. There would be no reason for someone to park on the road.

GW – People will still park on the road no matter what. They always do. They would probably end up parking in front of other homes with the smaller setbacks.

MT – Agrees a 30' frontage is not enough.

GW to SL – Everything that was discussed in this does not constitute any answers. It was feedback only. A formal request for variance(s) will have to be made before any actual decisions.

No action taken.

9. Set next BDA LZC meeting and/or hearing date(s);

Mr. Darwin motioned to set the next regular meeting for June 3, 2021 at 8:30 am. Seconded by Mr. Titsworth. Motion passes.

10. Adjourn

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

Meeting adjourned at 9:50 am.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission special meeting that was held on the 6th day of May, 2021 at 8:30 a.m.

ATTEST:

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