

Bois D' Arc Lake Zoning Commission

04/01/2021 Meeting Minutes

THE STATE OF TEXAS COUNTY OF FANNIN

On Thursday, April 1, 2021 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public meeting at Bonham City Hall after public notice was posted on March 26, 2021 at 8:45 a.m. with the following members being present:

Kevin Darwin
Gary Fernandes
Randy Moore
Matt Titsworth (on phone)
Gilbert Welch

I. Call to Order / Establish Quorum;

Judge Moore called the meeting to order at 8:33a.m. and stated all members are present with Mr. Titsworth present via telephone. Quorum established.

II. Public Forum;

Mr. Jeff Derek mentioned he and his wife are interested in buying property in Fannin County (Sierra RV Park). He said less than 20% of the property is in the 5,000' buffer zone and was wondering if it would be possible to redraw the boundary lines according to the platting instead of the half-circular type lines that are currently on the zoning map.

Judge Moore said the board would probably not be able to do that, but that they would try to make it as easy as possible to change the zoning when/if they apply.

A chat was entered online with a question about getting a map of the zoning. Dustin Morrow, I.T. Director sent him a link.

III. Approve meeting minutes from 03/04/2021 Public Hearing, 03/04/2021 Regular Meeting and 02/04/2021 Public Hearing;

Mr. Welch motioned to approve the 03/04/2021 Public Hearing, 03/04/2021 Regular Meeting and 02/04/2021 Public Hearing minutes. Seconded by Mr. Darwin. Motion passes.

IV. Discussion, consideration and action regarding the Change in Zoning request of 1.75 acres on CR 2900 in Dodd City from Agriculture to Rural Estate Single Family District and the recommendation to Commissioners Court;

Mr. Darwin motioned to recommend to Commissioners Court to approve the change in zoning request. Seconded by Mr. Welch. Motion passes.

V. Discussion, consideration and action regarding masonry requirements in the Lake Zoning Regulations;

It was brought to attention by Di Hopkins, Dev. Services Director, that on pages 36, 38, and 54 of the Lake Zoning Regulations masonry requirements described do not coincide with the masonry law (HB2439) that was passed in 2019. This law states a city or county may not regulate the materials used when buildings are constructed. Daniel Harrison of Freese and Nichols agrees it is a moot point because of the law.

Mr. Welch motioned to table the item and allow Newt Cunningham the time to look over the information. Seconded by Mr. Fernandes. Motion to table passes.

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

The manual already states that RV Parks are required to be zoned commercial, but that adding the requirement of an SUP would keep current and future residents happy. That is the reason we have regulations in the first place. We didn't want to integrate residential with commercial.

Mr. Fernandes motioned to recommend to Commissioners Court to approve requiring an SUP for RV Parks. Seconded by Mr. Darwin. Motion passes.

VII. Discussion, consideration and action to approve the addition of an Amendment Log in the Lake Zoning Regulations;

Mr. Welch motioned to recommend to Commissioners Court to approve adding an Amendment Log to the Lake Zoning Regulations. Seconded by Mr. Darwin. Motion passes.

VIII. 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;

Mr. Welch expressed concern that he is under the impression that cities do not have to enforce an Extraterritorial Jurisdiction (ETJ). Would like to change Page 1, No. 3, from a '.' to 'and shall fully exercise that authority.'

Mr. Fernandes was concerned about Page 4, No. 4 where it references the City expanding its ETJ. He feels this opens the door for the City to expand into the County and takes away authority to regulate from the County.

Judge Moore said cities are going to expand and usually they do acquire more. The purpose is to prevent loopholes.

Mr. Welch said the Regulations already state the most stringent regulations shall apply.

Ms. Rose Schwartz, a Lake Bonham resident, felt the MOU would fly in the face of the current Lake Bonham zoning for those who live in the area inside of the Bois d' Arc buffer zone. She attended the meetings long ago before the development of BDA Lake began and was told that the new lake would not interfere with Lake Bonham. She feels if the strictest regulations trump

the other, which in this case feels it will be the BDA Lake zoning, then it may be harder to do the changes to their home they have planned.

Mr. Cunningham stated if you already lived there before the Lake Zoning Regulations then you are grandfathered in.

Judge Moore said the whole purpose of the agreement is to be able to work with the City and not have conflict.

Mr. Welch told Ms. Schwartz that hopefully it brings her comfort in knowing that the whole point in what they are trying to do with the MOU is to get away from regulating those areas that are double zoned and let the City continue to do it.

Mr. Welch motioned to table the item until next month. Seconded by Mr. Fernandes. Motion to table passes.

IX. Discussion consideration and action regarding changes and/or modifications requested by landowners;

No requests, no action.

X. Set next BDA-LZC Regular Meeting date;

Mr. Darwin motioned to set the next BDA-LZC meeting for May 6, 2021 at 8:20 a.m. for the public hearing regarding amendments and set the regular meeting at 8:30 a.m. Seconded by Mr. Fernandes. Motion passes.

XI. Adjourn

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

Meeting adjourned at 9:47 a.m.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission meeting that was held on the 1st day of April, 2021 at 8:30 a.m.

ATTEST:

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