

# **Bois D' Arc Lake Zoning Commission 06/18/2020 Meeting Minutes**

**THE STATE OF TEXAS  
COUNTY OF FANNIN**

On Thursday, June 18, 2020, the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public meeting at Bonham City Hall and via teleconference after public notice was posted on June 10, 2020 at 12:16 p.m. with the following members being present:

**Kevin Darwin  
Gary Fernandes  
Bob McCraw  
Randy Moore  
Gilbert Welch**

**I. Call to Order / Establish Quorum;**

Judge Moore called the meeting to order at 9:37 a.m. and stated all members were present. Quorum established.

**II. Approve Meeting Minutes from 05/21/2020;**

*Mr. McCraw made a motion to approve the 05/21/2020 minutes. Seconded by Mr. Fernandes. Motion passes.*

**III. Public Forum; (Comments will be received via chat format only);**

No comments were made. No comments in chat on the teleconference.

**IV. Discussion, consideration and action on changes and/or modifications requested by landowners;**

**A. Recommendation to Commissioners Court in regards to proceeding with the Change in Zoning Application for Lake Trail Estates Subdivision;**

Lita Huffman, Director of Development Services for Fannin County, explained the difference between a mobile home park and a subdivision citing the proposed development of Lake Trail Estates is not a mobile home park, it is a subdivision. A mobile home park consists of one single property owner who runs everything, a subdivision is where each plot of land is owned by an individual and a home is built. She also stated the developer has stated not all homes will be manufactured homes, some would be stick and brick. She then read the additional following deed restrictions the developer offered to apply:

1. All lots shall be used for single family housing only.
2. No lot shall be used for non-residential purposes. No business shall be operated out of residence.
3. The floor area of the main structure, the living area, excluding the garage, shall not be less than 1,400 square feet.
4. All houses must be skirted.
5. No wrecked, disabled or inoperable vehicles and no motor vehicles not bearing current registration plates shall be permitted to remain on any lot in the Addition.
6. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
7. No structure of temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
8. No chain link or barbed wire fence on property. No kennels with exception of seeing-eye dogs or police K9 dog kennel.
9. House number shall be on mail box and residence for safety purposes.
10. No farm animals, horses, cows, pigs, sheep, chickens, etc., will be allowed on property with exception of ducks, geese, and waterfowl on ponds
11. No more than 3 dogs will be allowed on each residence or lot.
12. Driveway shall be 100% concrete leading to asphalt and cut into road. Concrete pipe or tinhorn should be encased by concrete at end of culvert. No exposed pipe or tinhorn, must be covered by concrete.
13. No parking in streets of buses, boats, trailers, or vehicles will be allowed at any time.
14. State approved aerobic system.
15. No more than 3 out buildings: including carport and none to be in front of house.

Mr. Welch asked if Mr. Purcell could speak on this item. Judge Moore granted. Bill Purcell said people always have good intentions, but asked how will it be enforced?

Judge Moore responded that the Board does not have the authority to enforce.

Mr. Welch stated that Mr. Hemby came up with the additional restrictions voluntarily, but the LZC doesn't have the authority to enforce, however, he truly believes Mr. Hemby's heart is in the right place.

Mr. Fernandes states Section 4 of the Lake Zoning Regulations lays out what we are allowed to enforce. There are two factors to consider.

Mr. McCraw mentioned the law does not allow for exclusion of manufactured homes in zoning.

Judge Moore agreed that we should not even be mentioning manufactured home, it is for Rural Estate Single-Family District. That is actually the question we are considering today. The Board does want the best for the Lake.

Mr. McCraw indicated the LZC cannot decide whether or not the Commissioners can make the roads better or not, one needs to speak with their commissioner, in this case it would be Commissioner Lackey.

Judge Moore mentioned there is an agreement between Fannin County and NTMWD to have two more deputies out in that area in the future. If anyone would like to look at the Lake Zoning Regulations, it is available on our County website.

Mr. Fernandes understands the main thing the county gets out of this lake is economic development; tax base. There is a value of approximately \$6 million dollars of being developed it is very important.

Mr. Welch commented that the BDALZC also have to consider that we had about 10 protests turned in for the 200' radius is opposed and there is also 36 people outside of the 200' that oppose it, 46 notices of opposition. Even if we do not approve the zoning change, there can still be homes on 5 acres in the future, and there would be nothing we could do about it. Manufactured housing is on the rise in almost all areas. He doesn't feel it would depreciate any property values immediately, but it may impeded the appreciation. He would not classify this as a mobile home park. He wants to be fair to the property owner's requests regarding developing and wants to thank Mr. Hemby for his great attitude. He also doesn't believe there will be a mass influx of criminal activity; anywhere you live there can be criminal activity. He has a hard time supporting something where there is 100% opposition, and it will require a  $\frac{3}{4}$  vote of the Commissioners Court for approval.

Mr. Welch also wondered how the question of tying into the City's water was asked, but all in all, it would be about \$600K; perhaps another option for the septic would be package treatment plants.

Judge Moore doesn't believe those plants are approved anymore.

Mr. Darwin said he really does understand everyone's concerns, but if he did own property in the area, he would also have to think about the idea that the developer could still put 23 homes in the area without any additional deed restrictions (13 one-acre homes outside of the Lake zoning area plus the 1 home per 5 acres currently allowed according to the Zoning Regulations).

Judge Moore said the main issue we, as the Lake Zoning Commission, is whether or not we recommend to the Commissioners Court to change the zoning, it has nothing to do with the type of housing.

*Mr. Fernandes made a motion to approve the recommendation to Commissioners Court to change zoning from Agriculture to Rural Estate Single-Family District with request that the Commissioners Court give special attention to the density and roads. Seconded by Mr. McCraw. All approved recommendation except Mr. Welch who voted Nay. Motion passes.*

**V. Set next BDA-LZC Regular Meeting date;**

*Mr. Darwin made a motion to set the next BDA-LZC meeting for July 2, 2020 at 9:00 a.m. Seconded by Mr. Welch. Judge Moore stated that if there wasn't anything on the agenda, we could reschedule the meeting for the next regular date. Motion passes.*

**VI. Adjourn**

*Mr. Welch motioned to adjourn. Seconded by Mr. McCraw. Motion passes.*

**Meeting adjourned at 10:21 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 18th day of June, 2020 at 9:15 a.m.**

---

**ATTEST:**

---

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