

Bois D' Arc Lake Zoning Commission
10/07/2021 Meeting Minutes

On Thursday, October 7, 2021 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public hearing/meeting after public notice was posted September 30, 2021 at 12:31pm 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), Lisa Loiselle.

1. Call to Order / Establish Quorum;

Judge Moore called the meeting to order at 8:30 am stating all members are present with Mr. Fernandes present via telephone. Quorum established.

2. Public Forum;

No public comments

3. Approve meeting minutes from 07/01/2021 Public Hearing and Regular Meeting;

Mr. Welch motioned to accept the minutes as written. Seconded by Mr. Fernandes. *Motion passes.*

4. Discussion, consideration and action regarding step by step protocol for violations;

(This part of the agenda item came after discussion of Items 4A & 4B)

DH – Would like to send a Notice of Violation to abate within 30 days. If no action, send second warning, if still no action, turn over to District Attorney's office.

RM – Feels violation should come to BDALZC before sending a notice of violation, if they do not comply, then send notice.

GW – Does not think this is how city inspectors do it. They do not go to the city council before issuing a notice. Stated he feels Di did exactly what should have been done.

MT – Thinks the "code" needs to be in the notice and it needs to be enforced when possible.

NC – Feels Section 1.09 in the Lake Zoning Regulations should state JP instead of the District Attorney.

RM – Perhaps list solutions on the letter as well.

RM/GF/NC/GW – Believes milder language would be better in the letter(s).

EL – Suggested sending out notices to everyone in the 5,000' buffer again to inform citizens they are in the buffer.

RM – Perhaps put it in the paper.

MT – Put a map in the paper too.

KD – Feels what Di sent was very well spoken.

Current issues:

A. Commercial auto shop and residence built on one acre of property zoned agricultural, no permitting obtained and does not meet setbacks.

DH – A 3 bay auto shop has been built and is 10’ away from the property line as well as a mobile home being moved in, no permitting, located on Agricultural land. Suggests a Special Exception be applied for. Owner is very nice and willing to come into compliance.

GW – No matter the situation, we must be fair and equitable across the board.

RM – What are our options? Perhaps the owner can purchase a small bit of property from his neighbor.

Mark, a friend of the owner came up to represent him. Mark stated the gentleman has been working on the property for seven years, beginning with hauling rock and such.

GW – If the slab was poured before Oct. 2018, he may be considered grandfathered in. If it was only a concept at the time, then he would not be grandfathered in.

RM – First we must decide what is grandfathered.

NC – There may be regulations for being grandfathered.

MT – Is this property part of the city’s annexation?

DH – No.

KD – Looking at the map, there doesn’t seem to be any neighbors who would be bothered by this shop and home.

RM/GW – Need to find out if grandfathered or not and then go from there.

Newt Cunningham to research more on the legal definition of grandfathered in before the next meeting.

B. Residence built on property zoned agricultural with no permitting obtained and does not meet setbacks.

DH – Sent email to owner in May. Owner came in and filed for a special exception.

RM – Can continue with special exception or purchase land from a neighbor to extend from 55’ to 100’ setback. Always give options.

Mr. Darwin motioned to set a public hearing regarding the Special Exception application on November 4, 2021 at 8:30 am. Seconded by Mr. Titsworth. *Motion passes.*

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

DH – need to replace masonry requirements with “must meet International Building Code”.

RM – Send proposed changes before next meeting. Add “Changes/Amendments to Lake Zoning Regulations” to the next agenda.

No motion.

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

No changes or modifications to present at this time.

7. Set next BDALZC meeting and/or hearing dates;

Mr. Welch motioned to set the next BDALZC meeting for November 4, 2021 at 8:40 am. Seconded by Mr. Titsworth. *Motion passes.*

8. Adjourn.

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

Meeting adjourned at 9:58a.m.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission regular meeting that was held on the 7th day of October, 2021 at 8:30 a.m.

ATTEST:

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