

**Bois D' Arc Lake Zoning Commission**  
**12/01/2021 Meeting Minutes**

On Wednesday, December 1, 2021 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a regular meeting after public notice was posted November 18, 2021 at 12:29pm with the following members being present:

**Gary Fernandes (via phone) (GF)**  
**Randy Moore (RM)**  
**Matt Titsworth (MT)**  
**Gilbert Welch (GW)**

Also present: Newt Cunningham (NC), Commissioner Magness (JM) and Lisa Loiselle

**1. Establish Quorum;**

Judge Moore stated four members are present (Mr. Fernandes via phone) and Mr. Darwin is absent. Quorum established.

**2. Public Forum;**

No speakers.

**3. Approve meeting minutes from 11/04/2021 Public Hearing and Regular Meeting;**

Mr. Welch asked to correct the word 'could' to 'should' under Item 5, last paragraph on the 11/04/2021 regular meeting minutes.

*Mr. Welch motioned to approve the minutes from 11/04/2021 with the change. Seconded by Mr. Titsworth. Motion passes.*

**4. Discussion, consideration and action regarding whether or not to classify Property ID# 70325 as grandfathered in as building construction was initiated prior to the October 30, 2018 adoption of the Lake Zoning Regulations;**

**RM** – The main question regarding this item is to determine what constitutes grandfathered in. Feels that if construction was started before Oct. 30, 2018, then he would say it is grandfathered in.

**NC** – Asked how it would be determined that what it is being used as was the original intent when construction was first started.

**MT** – Feels if the property was owned prior to the Lake Zoning Regulations being put in place, then it should be grandfathered in.

**Mr. Hernandez** - Owner of the property, stated construction began in 2016. He asked the CAD what he needed to do and was told everything was good and that he could start building.

**GW** – Feels owner is being honest in what he wanted to do from the beginning. What the Commission does today will set the precedent. Sated this approval should be with caveats: (1) Construction was started prior to 10/30/2018, (2) the project has shown continuity and follow-up, (3) must be continuously used as intended or the owner would be in non-compliance and (4) no expanding. He further stated that it is his understanding that the neighbor would be

good with the current use and location if screening was erected. It is important to satisfy the neighbors and regulations.

**GF** – Asked what will the Commission constitute as construction as far as being grandfathered in?

**NC** – Asked what was intent? Do we state must be started, must be completed?

**RM** - That's why we are here. To determine what is to be classified as grandfathered in.

**MT** – Feels the Commission should not tell a business whether or not they can grow. Grandfathered in is grandfathered in.

*Mr. Welch made a motion that the property be approved as a legal non-conforming use because evidence shows there was intent before 2018, prompt follow through and it is completed. There is no expansion allowed and he must follow the regulations regarding lighting, screening, etc.*

There was discussion regarding putting less detail in the motion. It was felt inserting Section 3.06 of the Lake Zoning Regulations would cover everything.

**GW** – Thinks the Commission will one day go back and want to see why this property was approved to use in future instances, but stated he was good with changing the motion.

*Mr. Welch motioned to amend his first motion to recommend to Commissioners Court to approve this property as legal nonconforming use in accordance with Section 3.06 of the Lake Zoning Regulations for Bois d'Arc Lake. Seconded by Mr. Fernandes. Motion passes.*

**5. Discussion, consideration and action regarding other changes and/or amendments to the Lake Zoning Regulations; Wrecking and Salvage Yards;**

**GW** – Stated that wrecking/salvage yards are only allowed in a planned development according to the regulations.

**RM/MT** – Agree with Mr. Welch. Feel no one would want a wrecking or salvage yard near their home.

**NC** – The Commissioners Court has the ability to make a Special Exception or deny a planned development.

*Mr. Welch motioned to recommend to Commissioners Court to eliminate wrecking/salvage yards as a possible development from the Lake Zoning Regulations. Seconded by Mr. Titsworth. Motion passes.*

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

Mr. Montgomery approached to speak about his 48 ½ acres he purchased in 2016. County Road 2900 was changed due to the Lake and it ended up cutting through his property and no longer has AG exemption, so he is no longer able to fit his home and buildings and meet the agricultural setbacks. He will need a change in zoning or a special exception.

**GW** – Asked Mr. Montgomery to bring in aerial maps and perhaps a sketch of what he is wanting to build so that the Commission can have a better understanding.

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

*Mr. Welch motioned to set the next meeting on Thursday, January 6, 2022 at 8:30am. Seconded by Mr. Titsworth. Motion passes.*

**8. Adjourn.**

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

**Meeting adjourned at 9:27 a.m.**

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

**ATTEST:**

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