

Bois d’Arc Lake Zoning Commission
Minutes of Public Hearing and Public Meeting July 6, 2023

The Public Hearing, held at the Fannin County Courthouse, was called to order by Chairman Newt Cunningham at 8:12 am. Present were Chairman Newt Cunningham and members Gilbert Welch and Kevin Darwin. Gary Fernandes participated by phone. A quorum was present.

Item 2: Hear comments regarding a Change in Zoning application; from A& R, Agriculture and Ranching District to RE, Rural Estate Single-Family District (minus pre-zoned commercial area) on FM 1396 in Carson, TX, Property ID# 78333.

Di Hopkins, Director of Development Services, discussed the proposed change for 1+ acre lots and stated that no letters of protest had been received. Randal Shinn spoke representing the owners and stated that there will be deed restrictions on the lots, including a minimum of 2,000 square feet for a dwelling and masonry requirements. There will be between 40 and 50 units. There is no exact time-frame.

Item 3: Hear comments regarding a Change in Zoning application; from A&R, Agriculture and Ranching District to RE, Rural Estate Single-Family District on FM 897 in Dodd City, Property ID # 132714.

Ms. Hopkins discussed the proposed change and stated that no letters of protest had been received. The owner intends to divide the property into smaller units. Myles Porter spoke representing the Knight family and stated that the family was out of the country and did not receive notice in time to file a letter of protest, and he was there to oppose the change on behalf of the family.

Item 4: Hear comments regarding a Special Exception application to reduce the north side setback from 100’ to 15’ on CR 2750 in Honey Grove to build a horse barn, Property ID # 131228.

Ms. Hopkins stated that a concrete pad for a horse barn had been built in violation of the zoning setback requirements. Agricultural buildings do not require a permit but are subject to zoning setback requirements. No letters of protest had been received. This is on a 10-acre property. The owner, Erika Salazar, spoke. She was not aware of the zoning requirements. Chairman Cunningham said that the Commission wants applicants to ask for permission before building, and not for forgiveness after building.

Item 5: Hear comments regarding a Special Exception application to reduce side setbacks from 25’ to 15’ for 74 lots at The Peninsula on CR 2730 in Honey Grove, Property ID#s 78166, 78172, 120501, 128038, 128039 & 121991.

Ms. Hopkins discussed the proposed change and stated that no letters of protest had been received.

Item 6: Hear comments regarding a Special Exception application to reduce side setbacks from 25’ to 15’ for 63 lots at The Shores at the Peninsula on CR 2730 in Honey Grove, Property ID#s 79612, 113834, 79616 & 79617.

Ms. Hopkins discussed the proposed change and stated that no letters of protest had been received.

7. A motion to adjourn the public hearing was made by Mr. Welch, second by Mr. Darwin. Motion passed unanimously. The Public Hearing was adjourned at 8:25.

The Public Meeting followed and was called to order by Chairman Newt Cunningham at 8:30. Present were Chairman Newt Cunningham and members Gilbert Welch and Kevin Darwin. Gary Fernandes participated by phone. A quorum was present.

No one spoke in Public Forum.

Item 3. A motion to approve the minutes of regular and special meetings on 6-1-2023 was made by Mr. Fernandes. Second by Mr. Welch. Motion passed unanimously.

Item 4. Discussion, consideration and action regarding a Change in Zoning application and the recommendation to Commissioners Court; from A& R, Agriculture and Ranching District to RE, Rural Estate Single-Family District (minus pre-zoned commercial area) on FM 1396 in Carson, TX, Property ID# 78333.

Ms. Hopkins discussed the proposed change and stated that no letters of protest had been received. The area currently zoned commercial would remain commercial and the remaining area would be changed to single-family. There are other single-family dwellings in the area. Mr. Darwin noted that the property was near two highways and a county road. Mr. Fernandes noted that the developer will have deed restrictions, such as a 2000 square foot minimum size of homes. Randal Shinn representing the owners of the property discussed other deed restrictions. He said that the roads will be built to County specifications and that hopefully the County at some point would take over the roads, but if not provisions for the roads will be made. Chairman Cunningham stated that he would be opposed to the County assuming responsibility for the roads. Mr. Shinn said that the developer is not expecting the County to take over the roads. Mr. Fernandes asked Mr. Shinn if all of the units would have septic systems in conformance with County regulations, and Mr. Shinn said “yes.” A motion to approve and submit to Commissioner’s Court was made by Mr. Welch, second by Mr. Darwin. Motion passed unanimously.

Item 5. Discussion, consideration and action regarding a Change in Zoning application and the recommendation to Commissioners Court; from A&R, Agriculture and Ranching District to RE, Rural Estate Single-Family District on FM 897 in Dodd City, Property ID # 132714.

Ms. Hopkins discussed the proposed change and stated that no letters of protest had been received. The total size is 11.9 acres and the size of the individual lots has not been determined by the applicant. The property is on the road leading to the bridge.

Myles Porter again spoke saying he was representing the Knight family which is opposed because of its impact on their hunting business. Mr. Porter had limited information. Mr. Fernandes spoke in favor of the zoning change and Mr. Welch noted there were other residences in the area. A motion to approve and submit to Commissioner's Court was made by Mr. Fernandes, second by Mr. Welch. Motion passed unanimously.

Item 6. Discussion, consideration and action regarding a Special Exception application and the recommendation to Commissioners Court; to reduce the north side setback from 100' to 15' on CR 2750 in Honey Grove to build a horse barn, Property ID # 131228.

Ms. Hopkins discussed the proposed change and stated that no letters of protest had been received. Ms. Hopkins spoke with the neighbors who decided to not make protests. One of the neighbors had sold the property to the Salazars. Chairman Cunningham said that he does not want the Commission to make a habit of granting forgiveness instead acting on requests for permission in advance. He also does not want to establish a bad precedent for the future. Ms. Hopkins noted that a proposal before the Commission would change setbacks to 15 feet. Ms. Hopkins also noted that in a previous similar situation the setback had been approved with a fine of \$500. Ms. Salazar said that she had been told by her realtor that there were no permits required. Chairman Cunningham asked for a motion to pass on the item pending consideration of Item 9. Mr. Fernandes noted that a horse barn that close to adjacent property might be a problem. Mr. Welch moved to table items 6, 7 and 8 pending consideration of Item 9. Second by Mr. Darwin. Motion passed unanimously.

Item 9. Discussion regarding changing the dimensional setbacks in the Bois d'Arc Lake Zoning Regulations.

Ms. Hopkins said that this is a discussion item and that to make a change a public hearing would be required. Setbacks at Lake Ralph Hall were approved by the Lake Ralph Hall Zoning Commission last month with a 15-foot setback at the rear. Ms. Hopkins discussed this with the North Texas Municipal Water District and it had no problem with changing the setback. Ms. Hopkins recommends a 50-foot setback from the front (except 40 feet for lower density) and a 15-foot setback from side and rear. At Lake Ralph Hall the commercial setbacks are 25 feet. Chairman Cunningham wants commonality of language between the two lakes.

Return to Item 6. Mr. Fernandes asked if the barn would be used for commercial purposes. Mr. Welch is concerned about the issue of permission/forgiveness. Mr. Fernandes suggested that a \$500 fine be levied. Mr. Fernandes moved for passing the item to Commissioner's Court with a \$500 fine. Second by Mr. Darwin. Motion passed unanimously.

Return to Items 7 & 8. Matt Logue spoke and said that building larger houses would be good for the subdivision and the County. Mr. Gilbert made the motion recommend to Commissioner's Court for approval the reduction in the side setbacks. Second by Mr. Darwin. Motion passed unanimously.

Item 10. Discussion, consideration and action to set a public hearing on August 3, 2023 at 8:20 am to hear comments regarding changing the dimensional setbacks in the Bois d'Arc Zoning Regulations.

Motion by Mr. Welch. Second by Mr. Fernandes. Motion passed unanimously.

Item 11. Discussion, consideration and action regarding changes, modifications or requests by landowners

No items discussed.

Item 12. Discussion, consideration and action to set next BDALZC meeting and/or hearing date(s).

Motion by Mr. Fernandes to set the next date as August 3 at 8:30 am. Second by Mr. Welch. Motion passed unanimously.

Discussion by Mr. Gilbert. He reminded the Commission that it had asked for a copy of the lease between AT&T and the landowner. He is also concerned about the lack of surveys for properties requesting zoning changes.

Item 13. Adjourn. Motion by Mr. Welch. Second by Mr. Darwin. Motion passed unanimously. Meeting adjourned at 9:30.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission meetings that were held on the 6th day of July, 2023 at 8:20am and 8:30 am.

ATTEST:

Malinda Allison