



City of Harker Heights
Zoning Board of Adjustment Minutes
May 20, 2021

Present:	Thomas G. Wilson	Chairman
	David McClure	Vice Chairman
	Edward Paul Loughran III	Secretary
	Anthony Canterino	Board Member
	Jeffery K. Harris	Alternate Board Member
	William Mack	Alternate Board Member
Staff:	Kristina Ramirez	Planning & Development Director
	Eric Moree	Building Inspector
	Daniel Phillips	GIS Analyst/Planner
	Brad Alley	Fire Marshal
	Wilson Everett	Planning & Development Administrative Assistant
	Yvonne Spell	Customer Relations Supervisor
	Courtney Fye	Building Official Secretary
Absent:	David Hermosillo	Board Member
	Thomas Lorenson	Alternate Board Member

Agenda Item I: Call to Order- The Zoning Board of Adjustment established a quorum and called to order of the May 20, 2021 meeting at 6:00 P.M.

Agenda Item II: Approval of Agenda- Consider approval of the agenda for the meeting of the Zoning Board of Adjustment for **May 20, 2021**. Secretary Loughran made the motion to approve the agenda for the Zoning Board of Adjustment meeting for May 20, 2021. Vice Chairman McClure seconded the motion. The motion passed **(4-0)**.

Agenda Item III: Consent Agenda- Approval of Minutes from the Zoning Board of Adjustment Meeting held on **November 19, 2020**. Secretary Loughran made the motion to approve the minutes for the Zoning Board of Adjustment meeting held on November 19, 2020. Vice Chairman McClure seconded the motion. The motion passed **(4-0)**.

Agenda Item IV: Public Comments- At this time, comments would be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. No action may be taken by the Zoning Board of Adjustment during Public Comments. There was no one attending virtually or in person who wished to address the Zoning Board of Adjustment.

Agenda Item V: Public Hearings-

1. ZBA21-01 Conduct a public hearing to discuss and consider a request for a variance from the City of Harker Heights Code of Ordinances Section 150.02 Adoption of Various Standard Codes, the International Building Code, and the International Fire Code section 903.3.1.1 to allow the use of a NFPA 13R (Residential) fire sprinkler system in place of a NFPA 13 (Commercial) fire sprinkler system for the business referred to as Christ Community Church, on property described as Jaylinn Addition Phase Two, Block One (1), Lot One (1), 1.379 acres, generally located at **111 Mountain Lion**, Harker Heights, Bell County, Texas.

Kristina Ramirez explained that applicants request for a variance from the City of Harker Heights Code of Ordinances Section 150.02 Adoption of Various Standard Codes, the International Building Code, and the International Fire Code section 903.3.1.1 to allow the use of a NFPA 13R (Residential) fire sprinkler system in place of a NFPA 13 (Commercial) fire sprinkler system for the business referred to as Christ Community Church. She noted that the property is currently occupied by a 2,873 square foot structure that once was a residential home. The use of the structure is commercial in nature and is currently occupied by Christ Community Church. A structural addition of approximately 5,169 square feet has been added to the rear of the building to serve as the church's sanctuary. As a result of these improvements, the building now requires a fire suppression system.

Brad Alley answered questions from the Board Members. He noted that there is not an existing sprinkler system in the house or in the sanctuary and that both areas of the home are required to have a sprinkler suppression system. Mr. Alley explained that the NFPA 13R sprinkler system pertains specifically to life safety where the sprinkler allows for occupants inside of a structure time to exit in the event of a fire. Whereas, the NFPA 13 sprinkler system not only protects life safety but extinguishes the flame of a fire and protects content inside of the structure as well.

Chairman Wilson then asked who was present to represent the request.

Stephen Watson, of 4811 Creekside Drive, Killeen, Texas 76543, pastor of Christ Community Church, was present in person to represent the request for the variance. Mr. Watson did explain that part of the reasoning for the variance request is due to a financial concern. He stated the cost of the residential NFPA 13R sprinkler system is significantly cheaper than the commercial NFPA 13 sprinkler system.

Chairman Wilson then opened the public hearing and asked if there was anyone to speak in favor or in opposition to the variance request. There was no one attending virtually or in person to speak in favor or against the variance. Chairman Wilson closed the public hearing.

Secretary Loughran made a motion to approve a request for a variance from the City of Harker Heights Code of Ordinances Section 150.02 Adoption of Various Standard Codes, the International Building Code, and the International Fire Code section 903.3.1.1 to allow the use of a NFPA 13R (Residential) fire sprinkler system in place of a NFPA 13 (Commercial) fire sprinkler system for the business referred to as Christ Community

Church, on property described as Jaylinn Addition Phase Two, Block One (1), Lot One (1), 1.379 acres, generally located at 111 Mountain Lion, Harker Heights, Bell County, Texas. Vice Chairman McClure seconded the motion. **The motion passed (4-0).**

2. ZBA21-02 Conduct a public hearing to discuss and consider a request for a variance from the City of Harker Heights Code of Ordinances Section 155.039 Setback Required (Table 21-A) to allow for a carport cover to be attached to the front façade of the main residence and encroach into the front 25 foot setback requirement in the R-1 One Family Dwelling District on property described as Broken Arrow Lake Estates Section Two, Block Four (4), Lot Nineteen (19), 0.22 acres, generally located at **4222 Broken Arrow Drive**, Harker Heights, Bell County, Texas.

Kristina Ramirez explained the applicants request for a variance from the City of Harker Heights Code of Ordinances (Code) section §155.039 Setback Required and Table 21-A. She noted the applicant is specifically requesting a variance from the front 25' front yard setback in order to construct a metal carport over the existing concrete parking pad and which will be attached to the front of the existing primary structure. She noted that reasoning for the variance request is due to the lot being an irregular shape, the original carport on the parcel had been enclosed, and that the Code requires 25' front yard setback for all Single Family (R-1) zoned properties. As such, no structures may occupy this space or encroach upon it.

Chairman Wilson then opened the public hearing and asked if there was anyone present in person or attending virtually to represent the request.

Jeff Coffell, owner of 4222 Broken Arrow, was present in person to represent his variance request. He stated the reasoning behind his request to install the structure to is to provide cover to himself and his wife during inclement weather, as she is disabled. Mr. Coffell explained that if he and his wife were to be approved for the request, that the structure would not impede the line of sight for moving traffic.

Chairman Wilson then opened the public hearing and asked if there was anyone to speak in favor or in opposition to the variance. There was no one attending virtually or in person to speak in favor or against the variance. Chairman Wilson then closed the public hearing.

Chairman Wilson made the motion to approve a variance from the City of Harker Heights Code of Ordinances Section 155.039 Setback Required (Table 21-A) to allow for a carport cover to be attached to the front façade of the main residence and encroach into the front 25 foot setback requirement in the R-1 One Family Dwelling District on property described as Broken Arrow Lake Estates Section Two, Block Four (4), Lot Nineteen (19), 0.22 acres, generally located at 4222 Broken Arrow Drive, Harker Heights, Bell County, Texas with the condition that the structure will be installed with a cantilever that is up to City Code. Vice Chairman McClure seconded the motion. The motion was disapproved by Secretary Loughran and by Member Canterino. Alternate Harris then stepped in as a voting member for the remainder of the meeting. Member Harris voted to approve the motion with the previous stated conditions. **The motion did**

not receive a 75% approval from board members, and the application was denied (3-2).

3. ZBA21-03 Conduct a public hearing to discuss and consider a request for a variance from the City of Harker Heights Code of Ordinances Section 155.084 (C) (5) Occupations Not Included, to allow a home occupation to conduct on-premise retail sales, on property described as Skipcha Mountain Estates Phase Ten, Block Three (3), Lot Eight (8), 0.17 acres, generally located at 212 Tepee Drive, Harker Heights, Bell County, Texas.

Kristina Ramirez explained the applicants request for a variance to allow a home occupation to conduct propagation of aquatic life and on-premise retail sales by appointment only. She stated the property is currently zoned as R-1 (One Family Dwelling District) and is currently occupied by a 2,561 square foot residential home. Per the submitted application the home occupation business will be comprised of coral farming and breeding of tropical and marine fish.

Bryan Cayabyab, owner of 212 Tepee Drive, was present in person to represent his request. Mr. Cayabyab explained that he would be conducting business by advertising his sales online and that people would need to contact him for an in-person appointment to view his inventory. He stated he did not believe that the traffic in the neighborhood would be impacted by the business.

Chairman Wilson then opened the public hearing and asked if there was anyone to speak in favor or in opposition to the variance.

Diane Masullo, owner of 220 Tepee, was present via teleconference to speak in opposition to the request. Ms. Masullo addressed concerns with increased flow of traffic in the neighborhood and concerns with there not being a regulatory body for the fish and plant life that would be kept on site. Lynda Nash, owner of 3006 Sundance, was present in permit to speak in opposition to the request. Ms. Nash addressed concerns with the increased flow of traffic to the neighborhood.

Chairman Wilson then closed the public hearing.

Secretary Loughran made a motion to disapprove a request to change variance from City of Harker Heights Code of Ordinances Section 155.084 (C) (5) Occupations Not Included, to allow a home occupation to conduct on-premise retail sales, on property described as Skipcha Mountain Estates Phase Ten, Block Three (3), Lot Eight (8), 0.17 acres, generally located at 212 Tepee Drive, Harker Heights, Bell County, Texas. Member Canterino seconded the motion for disapproval. **The motion passed, and the application was denied (5-0).**

Chairman Wilson then adjourned the meeting of the Zoning Board of Adjustment at 7:15 P.M.

Thomas G. Wilson
Thomas G. Wilson, Chairman

8/19/2021
Date

ATTEST:

David McClure
David McClure, Vice Chairman

8/19/2021
Date

