



City of Harker Heights
Zoning Board of Adjustment Minutes
February 17, 2022

Present:	Thomas G. Wilson	Chairman
	David McClure	Vice Chairman
	Anthony Canterino	Secretary
	David Hermosillo	Board Member
	Jeffery K. Harris	Board Member
	William Mack	Alternate Board Member
	Dr. Desi Roberts	Alternate Board Member
	Philemon Brown	Alternate Board Member
Staff:	Kristina Ramirez	Planning & Development Director
	Michael Beard	Building Official
	Courtney Fye	Building Official Secretary
	Daniel Phillips	GIS Analyst/Planner
	Brad Alley	Fire Marshal
Absent:	Yvonne K. Spell	City Planner
	Wilson Everett	Planning & Development Administrative Assistant
	Courtney Peres	Alternate Board Member

Agenda Item I: Call to Order- The Zoning Board of Adjustment established a quorum and called to order the February 17, 2022 meeting at 5:30 P.M.

It is noted Alternate Board Member William Mack was brought up as a regular voting member during this meeting as Secretary Tony Canterino was not present at the beginning of the meeting (Secretary Canterino presented himself at the meeting at 5:49 p.m.)

Agenda Item II: Approval of Agenda – Consider approval of the agenda for the meeting of the Zoning Board of Adjustment for February 17, 2022.

Vice Chairman McClure made a motion to approve the agenda. Board Member Harris seconded the motion. **The motion passed (5-0).**

Agenda Item III: Consent Agenda - Approval of Minutes from the Zoning Board of Adjustment Meeting held on September 16, 2021 and January 12, 2022.

Board Member Mack made a motion to approve the minutes. Board Member Hermosillo seconded the motion. **The motion passed (5-0).**

Agenda Item IV: Public Comments- At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes

per person. To address the Zoning Board of Adjustment, please clearly state your name and address prior to making a comment. No action may be taken by the Zoning Board of Adjustment during Public Comments.

There was no one in the audience who wished to address the Zoning Board of Adjustment.

Agenda Item V: Staff Presentation-

1. None

Agenda Item VI: Public Hearings-

1. **ZBA22-01 (A) - Conduct a public hearing to discuss and consider a request for variance from the City of Harker Heights Code of Ordinances Section 155.066 Number Of Parking Spaces Required 155.068 Private Or Personal Property Parking Areas For Persons With Disabilities Table 21-D: to allow for a reduction in required number of parking spaces from the required 61 parking spaces to accommodate a change in the drive-thru layout on site on property described as Market Heights Addition, Block 00A, Lot 0012, Acres 1.165, generally located at 201 E. Central Texas Expressway, Building 2000, Harker Heights, Bell County, Texas.**

Kristina Ramirez explained that the applicant was denied a permit for site modifications due to the loss of minimum required parking spaces in accordance with §155.066 NUMBER OF PARKING SPACES REQUIRED §155.068 PRIVATE OR PERSONAL PROPERTY PARKING AREAS FOR PERSONS WITH DISABILITIES 21-D: PARKNG REQUIREMENTS of the City of Harker Heights Code of Ordinances (City's Code). Per the submitted variance application, the applicant is requesting to modify the site layout to accommodate vehicles more efficiently. Requested modifications include a Face to Face canopy on the west side of the building, and an Order Meal Delivery canopy on the east side of the building. The current business has prompted the need to increase efficiency and the amount of stacking in the drive-thru lane.

Stan Demill of Chick Fil-A was present in person to represent the request.

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 in person to speak in favor or against the variance. Chairman Wilson closed the public hearing.

Board Member Hermosillo made a motion to approve a request for variance from the City of Harker Heights Code of Ordinances Section 155.066 Number Of Parking Spaces Required 155.068 Private Or Personal Property Parking Areas For Persons With Disabilities Table 21-D: to allow for a reduction in required number of parking spaces from the required 61 parking spaces to accommodate a change in the drive-thru layout on site on property described as Market Heights Addition, Block 00A, Lot 0012, Acres 1.165, generally located at 201 E. Central Texas Expressway, Building 2000, Harker Heights, Bell County, Texas.

Board Member Harris seconded the motion. **The motion to approve the variance request was passed (5-0).**

This decision was based on testimony and evidence presented during the public meeting and based upon the following findings:

Approval of Variance Request

1. The financial cost of compliance is not greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code.
2. Compliance would not result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur.
3. Compliance would result in the structure being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
4. Compliance would not result in the unreasonable encroachment on an adjacent property or easement.
5. Compliance would not result in a nonconforming structure.
6. The applicant has provided a site plan and explanation that warrants the need for a variance from the amount of parking.
7. There are special circumstances particular to the land, structure, or building which necessitate such request.
8. Denying this variance will not deprive the applicant of the rights enjoyed by others in the district.
9. This variance if granted would confer upon the applicant special privilege, which is denied by the Ordinance to land, structure, or buildings in the district.

Agenda Item VII- Staff Comments

1. None

Agenda Item VIII- Adjournment

Chairman Wilson then adjourned the meeting of the Zoning Board of Adjustment at 6:17 P.M.

	3/17/2022
Thomas G. Wilson, Chairman	Date

ATTEST:

	3/17/22
Tony Canterino, Secretary	Date