



City of Harker Heights
Zoning Board of Adjustment Minutes
July 29, 2019

Present:	Thomas G. Wilson	Chairman
	David McClure	Vice Chairman
	Edward Paul Loughran III	Secretary
	Charles Sweeney	Board Member
	David Hermosillo	Board Member
Staff:	Joseph Molis	Director of Planning & Development
	Courtney Peres	City Planner
	Brad Alley	Fire Marshal
	Mike Beard	Building Inspector
	Tiffany Dake	Administrative Assistant Planning & Development

A quorum was established, and the meeting was called to order at 5:30 p.m.

The first item on the agenda was the election of a new Secretary for the Zoning Board of Adjustments. Edward Paul Loughran III was elected as Secretary.

The next item on the agenda was the approval of the minutes from the April 17, 2019 meeting. Mr. Sweeney made the motion to approve the minutes and Mr. Loughran seconded the motion. The motion passed unanimously (5-0).

Mr. Molis presented, **ZBA19-04** Discuss and consider a request for variance from the International Building Code, Section F 903.2.9 (2015 edit) and the International Fire Code Section 903.2.9 (2015 edit), Group S-1 – An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy, (5) A group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet; to allow for storage units without a fire suppression system on property described as a 6.730 acre tract of land situated in the E.M. Sprott Survey, Abstract No. 772, the R.W. Tom Survey, Abstract No. 837, all in Bell County, Texas and being a part or portion of that certain called 46.849 acre tract of land described in Deeds to 2410 Real Estate LP, generally located near the intersection of Hudson Boulevard and Prospector Trail in Harker Heights, Bell County, Texas.

Mr. Molis stated that Section §155.22 (D) of the Code of Ordinances requires that every variance granted or denied by the Board shall be accompanied by a written findings of fact specifying the reason for granting or denying such variance. Staff has reviewed the request submitted by Amy's Attic for a variance from the International Building Code and International Fire Code, Section F, 903.2.9, which states the following:

[F] 903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 12,000 square feet (1115 m²).
2. A Group S-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group S-1 *fire area* used for the storage of commercial trucks or buses where the *fire area* exceeds 5,000 square feet (464 m²).
5. **A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).**

Mr. Molis turned the presentation over to Mr. Brad Alley, Fire Marshal. Fire Marshal Alley explained that the formal opinion from the International Building Code shows in lines 1-4 "fire area" and in line 5 it does not show this verbiage causing Mr. Alley to ask about this and seek further clarification. In doing so he was able to conclude that this verbiage in line 5 should be updated in the 2021 International Building Code to reflect "fire area" just like in lines 1-4. Chairman Wilson did ask if there were currently sprinklers in Amy's Attic. Fire Marshal Alley stated no and as far as he knows there are none in any storage units in the city of Harker Heights, he could not speak for Killeen or Cove. Chairman Wilson did ask if the fire wall does work as well as the sprinkler system. Fire Marshal Alley stated yes it is required to be installed in smaller sections already. Mr. Sweeney did want clarification on Mr. Stegmeyer's letter with concern about the masonry. Mr. Molis stated this is a zoning issue and that this is not something that would effect tonight's hearing. The masonry wall is shown in their plans. Mr. Hermosillo did ask where the hardship lied in this case. Fire Marshal Alley stated that the hardship was a significant grade change. Due to this grade change it could take up to nine (9) separate systems to sprinkler this area. Amy's Attic did give more fire lane area than required and wider. Chairman Wilson did ask about the brush and the homes near Amy's Attic. Fire Marshal Alley stated there is a creek/drainage that runs behind Amy's Attic.

Chairman Wilson then asked who was here representing the request and would they like to speak.

Mr. Mike Beevers of 5101 FM 439, Belton, TX 76513 spoke about the spirit of the fire code and that he believed the 2015 Code was more directed at mattress warehouses and businesses like that. This has been a process of peeling back layers to get to this point with the design and trying to work through this issue.

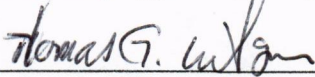
Chairman Wilson then opened the public hearing and asked if there was anyone to speak in favor or against the variance.

Mr. John Helmer of 803 Mustang Trail, Harker Heights, TX 76548 said he would ask for denial of this request due to his home and his neighbors backing up to this area. If they were going to put in a fire suppression system he would be okay with this request. Chairman Wilson did ask if the applicant had a rebuttal. Mr. Beevers did state there was half (1/2) a football field about 150' wide strip between Amy's Attic and the homes in

the neighborhood. This channel will be required to be maintained by Amy's Attic to be clear of all debris and brush. After the rebuttal Chairman Wilson then closed the public hearing.

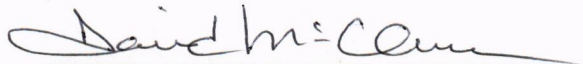
Chairman Wilson asked if there was a motion to approve or disapprove a request for a variance from the fire code to allow for fire walls instead of a fire sprinkler system in the storage buildings.

Mr. Sweeney made a motion to approve the variance from the fire code to allow for fire walls instead of a fire sprinkler system in the storage buildings. That motion was seconded by Mr. McClure. Chairman Wilson then asked for a vote. The motion was unanimously approved (5-0). The meeting was adjourned at 6:00 pm.



Thomas G. Wilson, Chairman

ATTEST:



David McClure, Vice Chairman