



City of Harker Heights
Zoning Board of Adjustment Minutes
August 20, 2020

Present:	Thomas G. Wilson	Chairman
	David McClure	Vice Chairman
	Charles Sweeney	Board Member
	David Hermosillo	Board Member
	Tony Canterino	Alternate Board Member
	Jeffery K. Harris	Alternate Board Member
Staff:	Joseph Molis	Director of Planning & Development
	Kristina Ramirez	Asst. Director of Public Works
	Michael Beard	Building Official
	Courtney Peres	Senior Planner/GIS Coordinator
	Brad Alley	Fire Marshal
	Tiffany Dake	Administrative Assistant Planning & Development
Absent:	Edward Paul Loughran III	Secretary

Agenda Item I: A quorum was established with Alternate Board Member Anthony Canterino voting due to Board Member Paul Loughran absence. The meeting was called to order at 6:00 P.M.

Agenda Item II: Approval of minutes from the January 16, 2020 regular ZBA meeting. Mr. Sweeney made the motion to approve the minutes and Mr. McClure seconded the motion. The motion passed unanimously (5-0).

Agenda Item III: The next item on the agenda was Citizens to be Heard. There was no one present who wished to speak.

Agenda Item IV: Public Hearings:

Mr. Joseph Molis presented **ZBA20-03** Conduct a public hearing to discuss and consider a request from Mr. Taylor Underwood for a variance from the City of Harker Heights Planning and Development Department Policy P-D20-001, Pool Requirements, to place a pool in front of the front façade of the primary residence on property described as 2.514 acres, Tract 10, Lakeside Hills, Section One, generally located at 11276 Rummel Road, Harker Heights, Bell County, Texas.

Mr. Sweeney asked why someone from Belton is submitting recommending approval. Mr. Molis said that in reality you have two addresses, you have a mailing address and a physical address which for the vast majority of people that address is one and the same. In this situation this particular property was annexed after it was addressed in Bell County and they used the servicing post office as the city which was in Belton, however the physical address for the property is in Harker Heights, TX.

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

Mr. Taylor Underwood, of 11276 Rummel Road, Harker Heights, TX 76548 was present to speak on behalf of the request for variance. Mr. Underwood said he felt like his opinion had been shared in what was said. Mr. Underwood stated he is hoping for approval and thanked the board.

Chairman Wilson then opened the public hearing and asked if there was anyone to speak in favor or against the variance and there was no one.

Mr. Sweeney made a motion to accept his request. Mr. Hermosillo seconded the motion. **The motion passed unanimously (5-0).**

Mr. Joseph Molis presented **ZBA20-04** Conduct a public hearing to discuss and consider a request from Mr. Kenneth Stray for a variance from the Building Official's interpretation of the City of Harker Heights Code of Ordinances and the 2015 International Residential Code, specifically attached and detached structures, or the size requirements of a large accessory structure, per the Harker Heights Code of Ordinances Section 155.020 (A) (5) (b) (4), to allow the structure depicted in pending building permit 20-19066 on property described as Evergreen Phase Two, Section One, Block Two, Lot Seven, generally located at 2614 Green Giant Drive, Harker Heights, Bell County, Texas.

Chairman Wilson stated the smaller building was permitted with flatwork; Mr. Stray had taken off the larger building. The Building Official Michael Beard said Mr. Stray attempted to pull a permit for the larger building and that permit was denied, what was approved was a five-hundred square foot building which is allowed in the zoning location. Mr. McClure asked if the five hundred square foot was for a stand alone or detached, Mr. Beard stated it was approved as a standalone. Mr. McClure confirmed that the little piece of metal they used to attach it to the house did not qualify as attached. Chairman Wilson said a five hundred square foot building would not have needed a variance at all; Mr. Beard stated that if he had gone with the site plan he had, they would not have been there at all today. Mr. Sweeney stated he agreed with the resident at 2618 Green Giant and this is an eye sore, not aesthetically pleasing and has a very commercial look. Mr. Hermosillo asked if the homeowner was operating as the main contractor and hired a sub-contractor. Mr. Beard said the homeowner was the only person he had had contact with and that he never had contact with his sub-contractor. Mr. Hermosillo said he is guessing then that the homeowner was unaware that as the contractor you are responsible for the work done. Mr. Sweeney asked if the homeowner was a contractor by profession and Mr. Beard said not that he is aware of.

Mr. Kenneth Stray, of 2614 Green Giant, Harker Heights, TX 76548 was present to speak on behalf of the request for variance. Mr. Stray stated that it was brought to his attention by a concrete contractor when he was going to apply for a permit for the flatwork and electrical, he was told it wasn't allowed because it was too big. Mr. Stray then said he spoke with Mr. Beard on the phone so he could explain it to him. Following Mr. Beard's

explanation, he made an appointment for February 28th to sit down with Mr. Beard and Mr. Eric Moree, in the office where the discussion was done on how Mr. Stray could do this and make it a reality. Mr. Stray stated at that time Mr. Beard and Mr. Moree brought in a large book and said a standalone is too big, but you could attach this to your home. Mr. Stray then he asked what the definition of attached is, and he was given no answer on how to attach it. Mr. Stray stated that right before Covid he had the company redesign this from being a standalone structure to readjust it with the concrete contractor. The concrete contractor with Mr. Stray readjusted all of this to meet the new setbacks. Mr. Stray said then there was two (2) months of COVID, he got the concrete poured and the electrical run and then everything stopped. Mr. Stray states towards the end of May the building contractor put up the building with only two (2) days' notice and there was no permit pulled for the building. Mr. Stray stated that he dropped the ball on getting the building permit; at that point everything stopped, and he applied for a permit for an addition to the house. Mr. Stray said the large building was never taken off the plan it was changed for them to have it. Mr. Stray was never looking to put a standalone building that was too large and out of code, the idea was to have the addition built onto the house. Right now it is the middle of construction and the boards that you see attached were Mr. Stray's way of attaching it to the house in the interim until it could be attached to the house and finished with a roofing company. Mr. Stray stated the building was going to be taller but he minimized it so it will just fit his motorhome. Chairman Wilson asked Mr. Stray if he keeps the motorhome inside and Mr. Stray confirmed that he does pull his RV into the structure. Chairman Wilson said on the inside of your smaller garage is there a wall between the smaller garage and the RV garage, Mr. Stray said yes there is a wall right now, it is the side of the larger building. Chairman Wilson stated it looks like the attachment is to the RV garage and not the house and that the lean to garage would fall over. Mr. Stray said yes it would, because he could not get it done that is why everything stopped when he did not have the first portion of the permit. Mr. Hermosillo asked if your intent is to attach it to the house then why dispute the Building Official ruling that it is not yet attached to the house. Mr. Stray stated yet again that he did not know what attached really means. Mr. Hermosillo did remark to Mr. Stray that you are operating as a contractor and hiring sub-contractors which ultimately makes you responsible for meeting the Building Officials codes, the City of Harker Heights Code of Ordinances and the International Building Codes. Chairman Wilson asked if Mr. Stray was given a couple of days' notice for the installation of the structure, and Mr. Stray said yes. Chairman Wilson asked why Mr. Stray did not tell the contractor to wait until the requirements had been sorted out. Mr. Stray said the contractor told him this was the only time they could do it. Chairman Wilson asked the Building Official is there something in the International Building Codes or Code of Ordinances that explains what constitutes an attachment between two structures. Mr. Beard stated he told Mr. Stray that the building would need to be structurally attached to the roof with a shared wall. The building is not currently structurally attached to anything at this time. Mr. Beard did ask to look at Exhibit A which is a permit that is dated February 28, 2020 and the larger structure has been scratched out. Mr. Stray stated he never scratched anything out.

Chairman Wilson then opened the public hearing and asked if there was anyone to speak in favor or against the variance, Mr. Miguel Ortiz, of 2616 Green Giant, Harker Heights, TX 76548 was present to speak against the variance. Mr. Ortiz stated this is a difficult

situation and their property is affected by this, there is now no view. Mr. Stray said his intent was to follow the rule and he followed what he thought the city wanted. Chairman Wilson asked Mr. Stray if he thought the RV garage was out of place in the neighborhood and Mr. Stray said no.

Mr. Hermosillo made a motion to deny a variance from the Building Official's interpretation of the City of Harker Heights Code of Ordinances and the 2015 International Residential Code, specifically attached and detached structures. Mr. Sweeney seconded the motion. **The motion unanimously passed (5-0).**

Mr. Sweeney made a motion that the property owner must perfect a building permit that shall adhere to the standards and requirements of the City of Harker Heights Code of Ordinance, the International Residential Code, and the Building Official's professional opinion of an attached structure within 30 days (Friday, September 18, 2020). The applicant must then complete all required work within 60 days of obtaining an approved permit. All work shall be completed no later than November 18, 2020. The motion was seconded by Mr. McClure. **The motion passed unanimously (5-0).**

Mr. Hermosillo made a motion to deny a variance from the size requirements of a large accessory structure, per the Harker Heights Code of Ordinances Section 155.020 (A) (5) (b) (4). Mr. McClure seconded the motion. **The motion unanimously passed (5-0).**

Chairman Wilson then adjourned the meeting at 7:30 P.M.



Thomas G. Wilson, Chairman

ATTEST:



David McClure, Vice Chairman