



City of Harker Heights
Zoning Board of Adjustment Minutes
August 19, 2021

Present:	Thomas G. Wilson	Chairman
	David McClure	Vice Chairman
	David Hermosillo	Board Member
	Anthony Canterino	Board Member
	Jeffery K. Harris	Board Member
	William Mack	Alternate Board Member
Staff:	Kristina Ramirez	Planning & Development Director
	Michael Beard	Building Official
	Eric Moree	Building Inspector
	Daniel Phillips	GIS Analyst/Planner
	Wilson Everett	Planning & Development Administrative Assistant
	Calvin Fleming	Code Enforcement Officer

Agenda Item I: Call to Order- The Zoning Board of Adjustment established a quorum and called to order of the August 19, 2021 meeting at 6:00 P.M.

Agenda Item II: Elect a Zoning Board of Adjustment Secretary to serve the remainder of calendar year 2021.

Board Member Canterino made a motion to serve as the Zoning Board of Adjustment Secretary for the remainder of calendar year 2021. Board Member Hermosillo seconded the motion. The motion was approved **(5-0)**.

Agenda Item III: Approval of Minutes- Approval of Minutes from the Zoning Board of Adjustment Meeting held on May 20, 2021.

Vice Chairman McClure made the motion to approve the minutes for the Zoning Board of Adjustment meeting held on May 20, 2021. Board Member Canterino seconded the motion. The motion was approved **(5-0)**.

Agenda Item IV: Approval of Agenda- Approval of Agenda for the Zoning Board of Adjustment Meeting August 19, 2021.

Board Member Hermosillo made the motion to approve the agenda for the Zoning Board of Adjustment Meeting Agenda for August 19, 2021. Vice Chairman McClure seconded the motion. The motion was approved **(5-0)**.

Agenda Item V: 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 VI: Staff Presentations-

1. Receive and discuss a presentation from Kristina Ramirez (Planning & Development Director) on the duties, role, and responsibilities of the Zoning Board of Adjustment Committee. No action was taken.

Agenda Item VII: Public Hearings-

1.ZBA21-04 Conduct a public hearing to discuss and consider a request for a variance from the City of Harker Heights Code of Ordinances Section 150.33 Placement, to allow the use of an 8 foot fence to be installed in the front yard within the 25-foot building setback, on property described as Forest Hills Addition, Block Nine (9), Lot Fifteen (15), 0.50 acres, generally located at 1709 S. Ann Blvd., Harker Heights, Bell County, Texas.

It was noted that Vice Chairman McClure stepped down for case Z21-04 and Alternate William Mack was brought up as a regular voting member for this item.

Kristina Ramirez explained that the applicant was denied a front yard fence permit for an eight (8) foot tall fence in accordance with Section §150.33 of the City of Harker Heights Code of Ordinances (City's Code). Per the submitted variance application, the eight (8) feet tall front yard fence is requested in order to create a safe environment for owner, land, and property. The requested fence height is double what is currently allowed in the City's Code.

Christine Kinslow, of 1709 S. Ann Blvd., Harker Heights, Texas 76548, 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 deny a request for a variance from the City of Harker Heights Code of Ordinances Section 150.33 Placement, to allow the use of an 8 foot fence to be installed in the front yard within the 25-foot building setback, on property described as Forest Hills Addition, Block Nine (9), Lot Fifteen (15), 0.50 acres, generally located at 1709 S. Ann Blvd., Harker Heights, Bell County, Texas. Board Member Canterino seconded the motion. **The motion was approved to deny the request (5-0).**

The applicant, Ms. Christine Kinslow, asked the Board to consider a six-foot fence to be placed within the 25-foot setback.

Board Member Harris made a second motion to recommend approval to allow the use of an 6 foot semitransparent fence to be installed in the front yard within the 25-foot building setback, on property described as Forest Hills Addition, Block Nine (9), Lot Fifteen (15), 0.50 acres, generally located at 1709 S. Ann Blvd., Harker Heights, Bell County, Texas. **There was not a second motion.**

Chairman Wilson made a motion to deny a request for a variance to allow the use of an 6 foot fence to be installed in the front yard within the 25-foot building setback, on property described as Forest Hills Addition, Block Nine (9), Lot Fifteen (15), 0.50 acres, generally located at 1709 S. Ann Blvd., Harker Heights, Bell County, Texas. Board Member Hermosillo seconded the motion. **The motion was approved to deny the request (4-1).** Board Member Harris disapproved the motion. The findings for this case are as listed:

- **Denial of Variance Request**

1. The applicant has not provided sufficient evidence to warrant the need for a variance from the front yard fence height limitation of four (4) feet.
2. There is no established hardship or special circumstances particular to the land, structure, or building which necessitate such request.
3. Denying this variance will not deprive the applicant of the rights enjoyed by others in the district.
4. 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.
5. The property currently complies with all other aspects of the R-1 Zoning District.

2.ZBA21-05 Conduct a public hearing to discuss and consider a request for a variance from the City of Harker Heights Code of Ordinances Section 155.031 (A)(23) Package Liquor Stores, to allow for a package liquor store to be part of a commercial development containing less than 12,000 square feet of leasable retail floor place, on property described as 2410 Live Oak Addition Amended (L2R B1), Block One (1), Lot Two-B (2B), 1.76 acres, generally located at 529 E. Knights Way, Harker Heights, Bell County, Texas.

It was noted that Vice Chairman McClure stepped back up as a regular voting member for case Z21-05 and Alternate William Mack stepped down as an alternate member for this item.

Kristina Ramirez explained the applicants request for a variance from the City of Harker Heights Code of Ordinances Section 155.031 (A)(23) Package Liquor Stores, to allow for a package liquor store to be part of a commercial development containing less than

12,000 square feet of leasable retail floor place. She noted that the property is zoned correctly for a package liquor store. To include, the applicant was denied their request to open a package store in the existing structure due to it being less than the 12,000 square feet required in the City of Harker Heights Code of Ordinances (City's Code) Section §155.031(A)(23)(a).

John Vela, of 2733 Beutel Road, Lorena, Texas 76655, was present to represent the request as a representative of the applicant. Manish Pradhan, owner of 3393 Vineyard Trail, Harker Heights, 76548, was present 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. There was no one attending in person to speak in favor or against the variance. Chairman Wilson then closed the public hearing.

Board Member Canterino made a motion to deny a request for a variance from the City of Harker Heights Code of Ordinances Section 155.031 (A)(23) Package Liquor Stores, to allow for a package liquor store to be part of a commercial development containing less than 12,000 square feet of leasable retail floor place, on property described as 2410 Live Oak Addition Amended (L2R B1), Block One (1), Lot Two-B (2B), 1.76 acres, generally located at 529 E. Knights Way, Harker Heights, Bell County, Texas. Board Member Harris seconded the motion. **The motion was approved to deny the request (5-0).** The findings for this case are as listed:

- **Denial of Variance Request**

1. Upon review of the case and testimony heard, the Board agrees with Staff's findings that the applicant has not provided sufficient evidence to warrant the need for a variance from minimum leasable space requirement for a package liquor store.
2. Special circumstance for this request includes the fact that the existing building on this parcel is less than the required 12,000 square feet of leasable space.
3. Denying this variance will not deprive the applicant of the rights enjoyed by others in the district.
4. 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.
5. The property is in compliance with all other aspects of the B-4 Zoning District.

Chairman Wilson then adjourned the meeting of the Zoning Board of Adjustment at 7:42 P.M.

Thomas G. Wilson
Thomas G. Wilson, Chairman

9/16/21
Date

ATTEST:

David McClure
David McClure, Vice Chairman

9/21/21
Date