

City of Harker Heights
Zoning Board of Adjustment Minutes
November 21, 2019

Present:	Thomas G. Wilson	Chairman
	David McClure	Vice Chairman
	Edward Paul Loughran III	Secretary
	Charles Sweeney	Board Member
	David Hermosillo	Board Member
	Tony Canterino	Alternate Board Member
Staff:	Joseph Molis	Director of Planning & Development
	Kristina Ramirez	Asst. Director of Public Works
	Courtney Peres	Senior Planner
	Eric Moree	Building Inspector
	Yvonne Spell	Customer Relations Supervisor
	Tiffany Dake	Administrative Assistant Planning & Development
Absent:	Mark Hyde	Director of Public Works

A quorum was established, and the meeting was called to order at 6:00 P.M.

The first item on the agenda was the approval of the minutes from the October 30, 2019 meeting. Mr. Sweeney made the motion to approve the minutes and Mr. McClure seconded the motion. The motion passed unanimously (5-0).

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

Agenda Item IV, presented by Mr. Joseph Molis; **ZBA19-07** Conduct a public hearing to discuss and consider a request for variance from the Harker Heights Code of Ordinances, Section 155.020 (A) (5) (a) (2) Accessory Structure height; to allow for an accessory structure (canopy) to exceed the maximum height allowed, and Section 155.020 (A) (5) (a) (3) for a variance to allow encroachment into the fifteen (15) foot side yard setback and utility easement, on property described as Evergreen Phase One (1), Block Six (6), Lot Seventeen (17), located at 2532 Boxwood Drive, Harker Heights, Bell County, Texas.

Mr. Sweeney asked if the anonymous neighbor was present and then began to read comments from the anonymous neighbor's letter. Mr. Wilson asked if there was any way to cut and move the poles on the structure and Mr. Molis stated that he would like the applicant to address that.

The applicant, Mr. Matthiew Miller, of 2532 Boxwood Dr., Harker Heights, TX 76548 asked to address the Zoning Board of Adjustment. Mr. Miller passed out two (2) pictures of the canopy structure to the members before speaking about his variance request. Mr. Miller stated that he wanted the same thing city officials wanted which was for the canopy to be smaller. However, there was confusion on the maximum height. Mr. Miller stated that he thought the minimum height could be twelve (12) feet.

Mr. Miller stated that he came to the planning department office to ask staff if they would, "please have the inspector come out, the poles are set where they are going to be when the canopy is going to be put on and as of now I have options to lower it or raise it, I can do whatever you would like right now before the concrete is poured." Mr. Miller mentioned that once the concrete was poured, he would not have the option to adjust the canopy and that if he has to bring it down two (2) feet now he would have to adjust the canopy and the warranty would be lost once that was done.

The applicant continued his explanation in stating that the canopy matches perfectly with the roof if you are looking at it from across the street. Mr. Wilson did ask for clarification about the canopy matching perfectly with the roof. Mr. Miller confirmed that when you stand across the street you will see the ends match the roof line and that it does line up with the structure of the house.

Mr. Wilson proceeded to ask the applicant what he intended to place under the structure. Mr. Miller said he intended to place his eighteen (18) foot bass boat.

Mr. Sweeney asked if the applicant had a written contract with whomever installed the structure. Mr. Miller stated that he did not have a written contract with the company who installed the structure and that there would be an additional cost associated with any modification hereafter.

Mr. Wilson made the comment that the structure appears to be much taller than fourteen (14) feet. The applicant explained that the poles are twelve (12) feet in height and the canopy extends beyond that.

Mr. Hermosillo asked if Mr. Miller's contractor completed the structural work without an inspection from city officials to proceed. Mr. Miller stated that he was under the impression that the lowest the structure could be was twelve (12) feet.

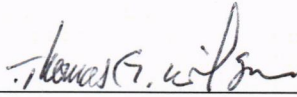
Mr. McClure then asked what and who are the utility easements for and do they have any issues with the structure encroaching into the easement. Mr. Molis state he was not sure who the utility holder is but that he suspects it is electric and would therefore be Oncor. Mr. Molis stated that the City has not contacted the utility companies about whether or not they would have any issues about an encroachment into the easement. Staff felt that it was a minimal encroachment and not located on the ground so equipment could still maneuver the area if needed.

Mr. McClure asked why there is a height requirement of twelve (12) feet and was it based on the standards of a carport? Mr. Molis stated no there is not a standard for the specific type of structure the applicant desired to construct. Staff chose to apply similar standards of a pergola which are not outlined in the Code of Ordinance but is a type of shade structure. The requirements for a pergola do require a maximum twelve (12) foot height restriction.

Mrs. Christine Tagoai, of 1434 Loblolly, Harker Heights, TX 76548, was there to speak on behalf of the agenda item. Mrs. Tagoai stated that she lives directly across the street from this structure and she went to every single window that faces the street and she could not see the structure. She also stated that his house is much taller than the structure and they do not have any problem with it.

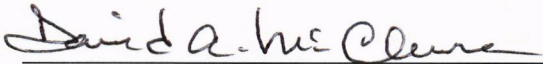
Mr. Hermosillo made motion to approve the variance to allow encroachment into the fifteen (15) foot side yard setback and utility easement. The motion was seconded by Mr. Sweeney. Chairman Wilson then called for a vote. The motion was unanimously approved (5-0).

Mr. Sweeney made a motion to disapprove an accessory structure (canopy) to exceed the maximum height allowed. The motion was seconded by Mr. Loughran. Chairman Wilson then called for a vote. The motion was passed (3-2) with Mr. Wilson, Mr. Sweeney, and Mr. Loughran in favor for the disapproval and Mr. McClure and Mr. Hermosillo against the initial motion. The meeting was adjourned at 6:41 pm.



Thomas G. Wilson, Chairman

ATTEST:



David McClure, Vice Chairman