



**City of Harker Heights
Zoning Board of Adjustment
Minutes
June 10, 2013**

Present:	Carl Ford	Chairman
	Jeff Orlando	Vice Chairman
	Pat Krenek	Secretary
	Brain Brannock	Member
Staff:	Fred L. Morris III	Director of Planning & Development
	James Scholz	City Planner
	Steve Philen	Building Official
	Melvia Norwood	Administrative Assistant
		Planning & Development

A quorum was established, and Chairman Carl Ford called the meeting of the Zoning Board of Adjustment to order at 6:01 P.M.

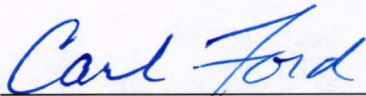
The first item on the agenda was the swearing in of the officers by Mr. Ford.

The next item on the agenda was the approval of the minutes from the January 9, 2013, meeting. Mr. Ford stated that he found something in the minutes that he found a little troubling so he discussed it with Mr. Morris, Director of Planning and Development, and that Mr. Morris referred the issue to the City Attorney. Mr. Ford made the motion to postpone the review of the minutes until the next regular meeting or when there is a decision made by the City Attorney that will allow the board to move forward. The motion was seconded by Mr. Orlando. The motion passed unanimously (4-0).

The case before Zoning Board of Adjustment, Case #2013-02, to discuss and consider a request by Mr. Craig Laurenson, for a variance from a large accessory building governing the building façade and six foot (6') side yard setback on property located at 3385 Vineyard Trail, described as Lot 35, Block 4, Tuscan Meadows Phase 1. Mr. Ford stated before hearing from the staff, he would like for everyone that will offer testimony in this case to please arise and come forward to swear them in. Mr. Morris presented the staff report. He stated that Mr. Laurenson constructed the large accessory building on his property without obtaining a building permit required per §150.01. Mr. Morris also stated that the large accessory building fails to meet the façade requirements for a large accessory structure as outlined in §155.02(A)(5)(b)(1) and the large accessory building encroaches into the six foot (6') side yard setback per §155.20(A)(5)(b)(4). Mr. Morris stated that the applicant has created his own hardship because he failed to consult The Building Official or obtain a permit for the construction of the large accessory building and failed to follow the large accessory building requirements. Mr. Morris also stated that staff recommends denial of this request for a variance because it does not meet the thresholds for the variance. Mr. Ford asked what the size of the shed was; Mr. Philen stated he did not know the size. Mr. Ford asked what the lot size of the property was and asked about the accessory structure chart per §155.20(A)(5)(b)(4); Mr. Philen stated it

was over 10,000 square feet. Mr. Ford opened the public hearing. Representing the request was Mr. Laurenson, 3385 Vineyard Trail. He stated that he honestly did not know that he needed a permit being new to the City of Harker Heights. Mr. Laurenson also stated that once he was told that a permit was needed, he came right in and applied for it. He stated that the shed was too heavy to move and he was going to use it as a workshop/recreational use. Mr. Laurenson stated while standing in the street you can only see the shingles from the roof. Mr. Laurenson stated that the shed is approximately 3-1/2 feet from the side property line because he did not want to cut down the trees in his backyard. Mr. Ford asked Mr. Laurenson what was the size of the shed; Mr. Laurenson stated it was 16x24 (384 square feet). Mr. Ford asked if the accessory building was on a concrete foundation or embedded pillars or columns in the ground. Mr. Laurenson stated that they are not embedded into the ground but it does have concrete blocks underneath it because of the slope to the yard. Mr. Ford asked if the accessory building was permanently attached to the ground. Mr. Laurenson stated it was not permanently attached to the ground. Mr. Laurenson stated that the shed is located in the back left corner of his yard. Mr. Ford mention the 7-1/2 foot utility easement on the site plan and wanted to know if the easement was included as part of his property. Mr. Philen stated the utility easement is included in his property. Mr. Philen mentioned that small accessory buildings fewer than 144 square feet are to be portable and anything larger must be on a concrete foundation. Mr. Laurenson stated that D.R. Horton's manager assisted him with the layout for the shed. Mr. Brannock asked if the manager for D.R. Horton was present. Mr. Laurenson stated that he was not present nor did he advice him to contact the City. Mr. Morris reiterated that Mr. Laurenson mentioned, in the documentation in which he furnished with his application, he placed the shed in its current position to avoid cutting down a tree in his back yard to keep the natural look of the lot. Mr. Morris stated that if the board wished to approve the request, that this statement could be used because he wanted to keep the lots natural use. Ms. Krenek stated that as far as the infraction on the back part of the lot would not be a detriment to the neighborhood but it is totally against the rules as far as what the board has to look at to approve the request. To speak in favor of this request was Mr. Mahany, 3381 Vineyard Trail. There was no one to speak in opposition of the request. After further discussion, Mr. Ford made the motion to deny the variance. Seconded by Mr. Orlando. The motion passed unanimously (4-0).

Ms. Krenek made the motion to adjourn the meeting at 6:29p.m. Seconded by Mr. Orlando.



Carl Ford, Chairman

ATTEST:

Patricia Krenek, Secretary